

Local Perspectives of Sustainable Urbanism: Solutions Based on the Spanish Legislation Model

María Jesús García García García

University of Valencia, Spain

EXECUTIVE SUMMARY

The protective actions of restoration, especially when they affect urban spaces formally declared as areas of restoration, must have an urban reflection and be projected and reflected in the corresponding planning and management techniques. Planning legislation provides the instruments (plans) and the proper techniques to make urban planning adjusted to the parameters of the restoration performing actions that seek to promote the rational use of the natural and cultural resources, in particular the territory, the soil, and the urban and architectural heritage that are the support, the object, and the scene of the quality of life.

SETTING THE STAGE

After a few years of uncontrolled urban development in Spain, the public authorities seem once again interested in urban restoration policies. The urban planning model based on uncontrolled urban growth seems to have come to an end, more because of economic problems than because of the pernicious effects of all kinds that it has generated. In this cyclical alternation of public policies, it seems that the time has come again to return to the virtues of urban restoration. However, it is not the first time that the public authorities show their interest in it. The successive housing plans that have been approved both at the regional and state levels have opted for restoration, financing and subsidizing actions in this regard, and during the nineties there were several local administrations that created restoration offices determined to promote these actions. However, currently the interest in restoration is no longer limited only to the norms on development, of individual scope and little economic importance, but splashes

the urban legislation, to propose a model of urban restoration with the participation of public powers, but also of the private sector to channel the activity of a sector that has been badly damaged as a result of the urban model of recent years. It is about turning urban restoration into a profitable urban activity. Restoration policies seem to be resurfacing not so much because of their virtues or because of their adaptation to constitutional objectives, as because of the exhaustion of an urban model of unsustainable development. From these premises, the following questions are analyzed.

The term restoration is synonymous with re-enabling or restoring to a property the conditions of use that it has lost. When we refer to urban restoration we are talking about a set of both public and private actions that fall on both the urbanized and built-up heritage of cities and that are aimed at restoring the conditions of use and utility to the properties or spaces (Kennedy C, Cuddihy J, Engel-Yan J, 2020). These are actions that are supported by the built heritage, mainly destined for a residential purpose, but also the urbanized heritage and the urban spaces deteriorated in their elements due to the passage of time, lacking the necessary public endowments., which have lost their original functionality and are in an advanced state of physical deterioration with the economic and social implications derived from these processes. Very fundamentally the spaces that are affected are the historic centers of the cities, although urban restoration is not sticks exclusively to this context, but manifests itself in t more general terms, such as a need to rehabilitate degraded urban spaces and to preserve the properties that should be the object of preservation. Urban restoration affects the deteriorated or degraded heritage of cities and tries to recover these elements, but it also has a broader purpose, to the extent that it is crossed by social and economic objectives. Thus, the restoration processes are intended to maintain the existing population in these areas, avoiding their eviction, and at the same time they intend to economically and functionally revitalize these spaces by implanting in them activities and services, public and commercial uses, etc. that are demanded by society and that they endow them with a new functionality. Thus, urban restoration is transcended by numerous economic, sociological, etc. factors that are articulated on the premise of the physical and material recovery of urban spaces and the elements that make them up.

The Constitution links the right to decent housing and the right to an adequate environment with the regulation of land uses. But it also advocates the rational use of natural resources. Urban planning must be oriented towards restoration to comply with the constitutional precept, given that restoration does not consume land and allows to take advantage and use, reuse the existing heritage (Freitag T, Gössling S, Mössner S, 2019).

In short, and as established in the statement of reasons of state Law 7/2015, October 30th, which approves the revised text of the Land Law, restoration seeks to promote the rational use of the natural and cultural resources, in particular the territory, the soil and the urban and architectural heritage that are the support, the object and the scene of the quality of life.

Likewise, the same legal text also states in its explanatory statement that “the urban land— the city already made—also has an environmental value, as a collective cultural creation that is the object of a permanent recreation, so its characteristics must be an expression of its nature and its management must favor its restoration and encourage its use”.

All this shows an interest in the restoration of the consolidated urban fabric, for the city already made. Urban restoration as restoration of urban spaces requires urban treatment. Urban planning can not only deal with the growth and expansion of population centers, but also with the action on the interior of cities to adapt them to the new demands of higher quality of life in an urban context that allows the enjoyment of adequate housing with adequate spaces and equipment.

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