

POLICIES OF LAND MANAGEMENT IN THE BASQUE AUTONOMOUS COMMUNITY, 1990-2006

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SUMMARY

The article summarises some aspects of a wider study that was for the author's doctoral thesis on regional planning policies in the Basque Country from 1940-2006 (URKIDI 2007). From a historical point of view, what is interesting is the analysis of the period coinciding with the Franco dictatorship, when there were various attempts to adopt documents of a supra-municipal regional nature, such as the General Urbanisation Plan for the Greater Bilbao Region and the Gipuzkoa Provincial Plan. These, together with that of Barcelona, were among the few approved documents of this kind in Spain prior to the democratic transition. It is certainly true that in the environment of economic development in which they were made they had a low level of implementation, although to a certain extent they served to highlight some of the Basque region's main shortfalls and challenges.

The article focuses specifically on the period following the transition, once democracy was installed and developed in the Spanish State. Regional planning, much debated until then, received double support in the late seventies and early eighties. On the one hand, it was becoming increasingly necessary to think about planning at a regional level, considering this as most appropriate for its development. On the other hand, as a result of the political transition in Spain, the «State of Autonomies» began to establish and develop itself, so that the aforementioned regional dimension was reflected in the new political-administrative framework, which was in principle an advantage from the outset. It should be noted that the new Spanish Constitution also recognised town planning and regional planning as exclusive competencies of the autonomies or regions. The Autonomous Communities quickly began to develop their legal frameworks in order to make their regional planning policies effective. The first Spanish Regional Planning laws came into effect in Catalonia (1983) and Madrid (1984), although that of Madrid was updated years later with a new law.

AIMS AND METHODOLOGY

Therefore, the purpose of this article is to analyse the implementation process of Regional Planning in the Basque Autonomous Community) and the various development instruments proposed DOT (Regional Planning Guidelines), PTP (Partial Territorial Plans), and PTS (Sectoral Territorial Plans), to consider these and their difficulties, and to draw some conclusions and lessons in order to address future challenges for the true consolidation of regional planning in the Basque Country, even whilst taking into account that the regional-integral instrument, the DOT, are in early stages of review. Development of the use of the physical environment was the main variable chosen in both the PTP and the PTS.

Regarding the methodology, the main instrument was the qualitative analysis of the documentation specified in the LOTV (Regional Planning Law in the Basque Country). These include the DOT — its final approved version and previous versions — the PTP and the PTS. In the case of the latter two, only the plans that received final approval were chosen as analysis criteria. The lengthy and difficult process that some of them have experienced made it advisable not to include documents without the final approval. A hermeneutic analysis, namely a critical and interpretative analysis, of the documents was carried out. This vision was enriched by linking the author's subject with his participation in various planning activities, attendance at conferences, meetings and seminars organised by the Department of Regional Planning (Summer Courses, Euskal Hiria (Basque City Region) annual meetings, etc.), which allowed him to follow discussions on the process as a participant observer.

DEVELOPMENT OF REGULATIONS AND INSTRUMENTS FOR REGIONAL PLANNING IN THE BASQUE AUTONOMOUS COMMUNITY

It is in this context the Basque Autonomous Community also began to develop its own legislation, with two somewhat confusing draft bills that showed both a conceptual confusion about the position of Regional Planning, particularly with regard to urban planning, and about which body was responsible for it. This was no easy matter given the complexity of the Basque political-administrative model and the importance of the Provincial Councils within it. Added to all of this was the complexity of the political situation at the time, with a split in the main political party in the autonomous government in the mid-eighties. It is therefore not surprising that the Basque Autonomous Community approved its Territorial Planning Law in 1990, a law seen as straightforward, the main objective of which was to define the planning instruments.

Three territorial planning instruments were established, two of which were integral and the other, sectoral. The DOT was established as the main integral instrument, which had a regional or Autonomous Community scale, followed by the PTP which were to develop these Guidelines in the different Functional Areas set out within them. The Sectoral Territorial Plans would serve as a sectoral instrument. A potential problem in developing these tools was their vagueness, from a legal point of view. They lacked determination of content, very evident in the PTS and also in the PTP. With regard to binding between the various planning instruments it can be considered that the Basque regulations would be consistent with a hierarchical pyramid structure, meaning a clear hierarchy would exist between the

Regional Planning instruments, binding the superior or regional level instrument to that of sub-regional level, with both binding to the sectoral plans. Not being a tiered system, each instrument could be developed independently, without the regional level document having to be approved so that the others can be developed. That said, once it has been approved the remaining documents should be adapted to it. It also states a direct connection between urban and regional planning.

REGIONAL PLANNING GUIDELINES

Drafting and adopting the regional level instrument, the Regional Planning Guidelines, did not prove easy either. Although an initial document was drafted in 1992, it was not until 1997, following several revisions, that an agreement was reached by the three main political parties at that time, the PNV (Basque Nationalist Party) and the EA (Basque Solidarity Party) in government and the PSE-PSOE (Socialist Party) in the autonomous opposition but with responsibilities in the Councils). The first document was criticised for being protracted and excessively regulatory and binding, so the final version was simplified and ended up being a more strategic document. Noteworthy ideas were the definition of the Basque Country as an urban area of important polycentric potential, but without structuring, its prominent role as a link between Europe and the Peninsula, and the new role it gave to the physical environment which attempts to go beyond an purely conservationist vision. In general, and emphasising its strategic nature, we are left with a document of recognised quality, but which was voided of its more substantive, regulatory and binding content, leaving the localisation of its proposals to the so-called intermediate scale — regional or functional area — if they were integral — the already-identified Partial Territorial Plans or, if sectoral, in the Sectoral Territorial Plans. Its main benefit was to obtain a widely-agreed document.

THE OTHER REGIONAL PLANNING INSTRUMENTS

Following its approval, the development of the other two instruments, the PTP and the PTS, gained momentum. Although the latter have seen significant development and have sometimes been cited as an example of good inter-institutional and inter-departmental governance — such as the Land for Economic Activities and Commercial Enterprises PTS, the PTP, which was to implement the DPT and to «regionalise» its integral vision, experienced a more difficult development. In fact, despite the proactive attitude of the Basque Government's Department of Regional Planning, and although it had already entered the review period of the regional document, eight years after the adoption of the DOT, only seven of the fifteen the Functional Areas defined in the document managed to approve their PTP between 2005 and 2006. This was in spite of that fact that, in some cases, such as the Guipuzcoa PTP, they had produced a first draft of the document as long ago as 1995. Ultimately, the consensus reached with the strategic vision of the DOT had not transferred to the PTP. The main difficulties of this process are discussed in the conclusions. In this regard, the article emphasises the lack of development of the Physical Environment Guideline in most of the PTP.

CONCLUSIONS

The process initiated after the approval of the Regional Planning Law should be seen as positive, as it meant the recovery of both the disciplinary field and the regional planning policy with innovative conceptual approaches, and stimulated disciplinary, academic, and professional discussion.

In the final approval document, the DOT proposed a coherent and consensual regional model for the Basque Autonomous Community, based on a document that is strategic, indicative, flexible and not so binding in its determinations. In this way, when it came to localising proposals, the second integral planning instrument, the Partial Territorial Plans (PTP), acquired greater importance. At the time they were developed they were noteworthy for their incorporation of dimension and European level in the document.

However, both the lengthy process of their legal formation and the unequal development of their different planning instruments —especially integral planning—, reflect the difficulties involved in actually implementing the public service of regional planning.

Although some of these difficulties were due to regional planning not being an entirely established practice, or not offering a fully consolidated academic and scientific-technical corpus, there are other reasons that are indicated below.

Generally, the more conservative political forces and institutions are opposed to, or distrust any regulatory approach or policy that goes beyond a strategic approach. This can be ascribed to the current neo-liberal and deregulatory trend that it tried to impose at the same time as the globalisation process was developing. This may be explained by questions of political opportunity.

Thus, the desirable development of the comprehensive planning vision of the DOT has failed to fully fit in with the development of PTP in their respective Functional Areas. Paradoxically, the PTS emerged with greater dynamism and experienced greater development in general which, although bound to the DOT, still represents a sectoral planning vision.

Despite the proactive stance of the Department of Regional Planning, the initial agreement of the DOT does not seem to have transferred to other instruments and, in general, lack of leadership in the Councils has been significant — with subtle differences — in the promotion of PTP. The lack of an inter-administrative culture of cooperation was also reflected — albeit to a lesser extent — in the development and processes of some of the PTS, especially those that could give rise to responsibility and clarification problems at each administrative level.

From a governance viewpoint, both the integration of sectoral policies (horizontal coordination) and the various institutional levels (vertical coordination) the coordination instruments provided have proved to be insufficient. It is also true that at a political-administrative level, the starting point was one of ignorance, an uncertainty of what the planning processes implied, with no culture of regional cooperation.

In the same way, the participation of regional agents at AF (Functional Area) level, of the so-called civil society, was not well defined, thereby missing the chance to develop greater regional culture on the one hand, and generate regional added value on the other, through the contributions and synergies that may have arisen.

In this context, the adoption of nearly half of the Functional Area PTP is welcomed, which implies a noteworthy experimental background and a far from negligible rich experience.

Many documents, even Preliminary Outlines, have served as reference for other plans and planning documents. The main drawback, because of its regional significance, is the lack of final approval of the PTP from the Donostia-San Sebastian Functional Area.

One of the problems in the development of the PTP was a lack of clarity in the determinations to be met, especially after obtaining a more strategic DOT document and transferring responsibility of localising the proposals to the PTP. This caused them to lack a uniform approach or methodology, from strategic orientation plans geared more towards regional marketing to more traditional land use plans. However, in this first generation of plans, this is seen as added value because of the explicitness of the different visions of the region and their planning possibilities.

Another pending issue for the possible implementation of the PTP proposals — and their greater or lesser degree of legitimacy — is the imbalance between the legal aspect — binding in the short term —, and the economic aspect, which commits to medium and long term investment and resources, and that often their management or responsibility is not made clear.

In this regard, a major disadvantage is that the PTP do not have a management body, an entity that is responsible for its dynamism and performance, especially given the cross-cutting nature of their proposals.

We see a clear example of this tension between what is planned or possible and the real development of planning instruments, especially the PTP, as a key instrument in implementing the integral vision of the region, in the development of the Physical Environment Guideline.

On the one hand, as positive aspects, we should highlight the comprehensive regional vision and the physical environment stated in the DOT. Also notable is the development of specific aspects of the physical environment (management of river banks and streams, wetlands, coastal planning, etc.) through the corresponding PTS. Generally, there is an improvement in the analysis (though this is not very explicit) and the proposals, in both their complexity and depth, between the proposals of the first drafts and the final approved documents (incorporation of natural areas, not only those that are protected, consideration of some agricultural and farming areas, etc.)

On the other hand — and despite some improvements since the drafting of the initial preliminary outlines (some subjects are dealt with in more depth, a determined incorporation of recognised natural areas, inclusion of agricultural and farming land, etc.) — significant gaps in the qualitative contribution that should be made by the PTP as integral planning instruments, such as a lack of: clear explanation of objectives for the physical environment, reasoned and thoughtful diagnosis in each field regarding the role of the physical environment in relation to the rest of the regional systems, development and extension of the physical environment matrix, space regulations enforced that, due to their structural complexity and the activities that are carried out on it, are not suited to that matrix, contradiction in the regulations the quarrying activity in the Special Protection Category, clarification on the degree of involvement of its determinations, and so on.

FUTURE CHALLENGES

The article concludes by pointing out some future challenges, challenges which could be relatively immediate, with the DOT is in the review process. In considering the strengthening of the regional planning public service it stresses the importance of increasing the methodological and technical rigor of the documents, being necessary to transfer the added value to society and the territorial agents value added that, for innovation and development, economic and social cohesion, contributes to territorial cohesion. This must be accompanied by a system of indicators and evaluation tools to assess the benefits — or otherwise — of the proposals.

Regional structure and density should be favoured, to allow for reasonable use of land, sustainable mobility based on public transportation and a social mix of people and activities. This should be coupled with real integration of the physical environment variable that requires a baseline study to determine synthesis or landscape units throughout the whole territory, to determine on the basis of this the proposed Categorisation in each Functional Area, a revision and adaptation of the Guidelines stated in the previous DOT and the incorporation of new factors, including the consideration of ecological corridors to allow the natural systems to function as a network, and use of the landscape.

The scale of regional or sub-regional planning should be consolidated, clarifying its role, specifying the key issues to be developed, the kind of proposal and determinations to be made, the degree of binding to them, as well as the financial commitments it incorporates and those responsible for its management.

Finally, regaining the ‘political’ dimension — in the broadest sense — of regional planning, and as a crucial point and main transversal challenge to all others, a governance structure for regional sustainable development should be implemented. This would mean clarifying the type of planning required, that of a more or less strategic nature, and the priority of key issues, value more or less linked to its determinations, financial and management commitments obtained, etc. This would also include the development of mechanisms to ensure administrative cooperation and coordination, both horizontal (sectoral) and vertical (between different administrative and institutional levels). It should also state the participation of the various regional and social agents in the formulation of the regional model so as to generate proactive attitude in its development, increase the added value of the proposals and the regional capital in each Functional Area through their contributions.