

**COURSE DATA****Data Subject**

Code	35246
Name	Town-planning law
Cycle	Grade
ECTS Credits	4.5
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	4	First term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	40 - Town-planning law	Optional

Coordination

Name	Department
GIMENO FERNANDEZ, CLAUDIA	45 - Administrative and Procedural Law

SUMMARY

The subject Urban Law is one of the optional subjects within the Public Law pathway of the Law Degree at the University of Valencia. It is taught in the fourth year when students already have knowledge of the subject Administrative Law. It is assigned 4.5 credits.

Starting from the premise that Urban Planning Law is only a part of Town Planning, this subject aims to provide students with a wide range of knowledge in urban planning matters, specifically to provide them with knowledge of the origins of urban planning and the current regulatory framework, the legal system of land ownership as a right limited by the social function it fulfils. Also the planning system to which the regulatory framework refers and which makes it possible to specify the legal regime of the land that corresponds to each plot of land, how the planning system is executed in order to guarantee the distribution of benefits and burdens, and to be able to correct the inequalities that all urban planning implies, how building is promoted, the administrative intervention in this area, the model that is established to protect urban legality; as well as the system of the main infractions and sanctions - administrative and criminal - foreseen, in the case of infringements against this legality.



On the other hand, with this subject students will come into contact with practical urban planning through the visualisation of real planning and management instruments, as well as through the reading and study of different urban planning texts and documents.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

No existe restricción alguna, sin embargo se considera recomendable para el correcto aprovechamiento de la materia la superación previa de la materia Derecho Administrativo.

OUTCOMES

1303 - Degree in Law

- Recognise the importance of law as a system for regulating social relations.
- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Understand the constitutional regulatory framework, the political institutions of the State and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Understand the law in its historical dimension and the differences in regulations sequenced chronologically.

LEARNING OUTCOMES

This subject is oriented towards the student acquiring these competences as learning outcomes:

Competence 1. Be able to know the evolution and particularities of Spanish Urban Law and the territorial distribution of urban planning competences. (relation with specific competences of the degree E: 1, 2, 5, 16).

To be able to know and understand the object and sources of spatial and urban planning and its environmental dimension (E: 2, 3, 7, 8, 10, 11).

To be able to know and apply the general theory of urban management (E: 2, 7, 8, 9, 10, 10).

Competence 4. Be able to know and understand the status of publicly owned land (E: 2, 7, 8, 9, 10).



DESCRIPTION OF CONTENTS

1. Urban planning and property rights

Public intervention in city-making and town planning. The right to property. The social function of property. New conceptions of the city: elements, critiques and economic and social justice implications of urban regulation.

2. Spanish urban planning law

Evolution and bases of the Spanish town planning system. The right to property: constitutional configuration. The distribution of powers in town planning law. Basic state legislation (rights and duties, basic land situations and town planning valuations). Autonomous Community town planning legislation. The interrelation between town planning legislation and other sets of regulations (environmental, heritage protection, etc.).

3. Territorial and urban planning

General and sectorial spatial planning: types, content, hierarchy and coordination with urban planning. Problems arising from the conflict of competences associated with the different system of distribution of competences.

4. Urban planning

The role of planning activity within the process of land transformation. The legal bases and characteristics of planning. Types of plans (general, partial, special, interior reform, detailed studies), adoption procedures and articulation between them. Classification and qualification of land. The regime of undeveloped land.

5. Town planning management and urban development

Urban development management: concept, importance and systems (expropriation and reparable). The systems of action (direct and indirect): evolution and current situation. Land development (components, costs and equidistribution mechanisms). Compulsory expropriation in the face of planning management inactivity. The challenges of actions on consolidated land.

6. Building. The duty to conserve, the declaration of ruin and the out-of-order situation

The right/duty to build. Planning permission and responsible declaration. The duty of conservation, rehabilitation and inspection of buildings. The duty of conservation in rural or vacant land. Other duties. The declaration of ruin. Enforcement orders. The out-of-order situation. The Law on Building Management.

**7. Principles of town planning discipline and the system for challenging town planning acts and provisions**

Protection and restoration of urban planning illegality. Principles of town planning discipline. Appeals against acts and against planning and management instruments. The nullity of town planning regulations: consequences and problems.

8. The recovery of urban development gains: principles and mechanisms

Fundamentals of local taxation linked to real estate property rights. The recovery of capital gains. Land and housing policy instruments. Urban regulation and management to finance city-making and inclusive social housing.

9. Spatial and urban planning criminal offences

Title XVI of the Criminal Code of 1995, in particular Chapter I (Offences against Town and Country Planning and Town Planning). "Ratio legis" and protected legal-penal property". Interrelations between the criminal offence and the administrative offence in town planning matters. "Ne bis in idem" principle.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Development of group work	10,00	0
Study and independent work	19,50	0
Readings supplementary material	5,00	0
Preparing lectures	6,50	0
Resolution of case studies	5,00	0
TOTAL	91,00	

TEACHING METHODOLOGY

The different lessons will take place during the course. They will alternate weekly theoretical sessions, workshops, seminars and/or participatory work. The teaching methodology will combine lectures with complementary and applied activities:

Presentation of theoretical content. The teacher will present and explain the fundamental elements that must guide students in the study and understanding of the subject. The students, for their part, must be actively involved in the learning process. Thus, they will have to prepare the theoretical classes by reading and, if necessary, searching for the didactic materials indicated by the teaching staff of the subject, especially recommended manuals and legal texts. These face-to-face classes are the essential tool for transmitting knowledge in an orderly and coherent manner. In them, emphasis will be placed on the



most basic and structural issues and more complex issues or those that require more attention or explanation will be dealt with in depth.

Applied activities and practices. The teaching methodology will also be based on the performance of applied activities, the resolution of practical cases related to the content of the subject, the viewing of videos or attendance at seminars or lectures, through which students will have to develop the aforementioned competences.

EVALUATION

The evaluation of the subject will be governed by the following criteria:

1. The **final evaluation** will be calculated from the sum obtained in the following parts:
 - a. Continuous assessment, consisting of activities to be carried out during the four-month period.
 - b. Final assessment, consisting of a test at the end of the four-month period.
2. The **continuous assessment** will have a weight of 30% of the total of the subject, and will be comprised, in turn, of the following parts:
 - a. Continuous assessment of the work done in class. Attendance and active participation in classes is part of the continuous assessment. This part will be calculated according to the participation and completion of the different activities and short practices that will be developed during the four-month period in the classes by the students and will not be recoverable.
 - b. Attendance at complementary activities. This part will be calculated on the basis of attendance and active participation in the different seminars, talks, lectures, conferences, etc. organised by the teaching staff of the subject. These activities will not be recoverable.
 - c. Practical work on the thematic unit. This part includes the completion of the practicals proposed by the teaching staff.
3. The **final assessment** will consist of a written test on the knowledge acquired during the course. It will have a weight of 70% of the total of the course. It will be necessary to pass the final exam in order to be able to add the continuous assessment mark.

REFERENCES

Basic

- FERNANDEZ RODRÍGUEZ, Tomás Ramón, Manual de Derecho Urbanístico, 27ª Ed., Civitas, 2023.



Additional

- VVAA (VIVES ANTÓN, T.S., CARBONELL MATEU, ORTS BERENGUER, GONZÁLEZ CUSSAC et. alt.), Derecho penal. Parte especial, Valencia Tirant lo Blanch, (última edición).
ACALE SÁNCHEZ, M. Delitos urbanísticos, Barcelona, 1997.
ACALE SÁNCHEZ, M. Los nuevos delitos sobre la ordenación del territorio y el urbanismo : adaptado a la LO 5-2010 de modificación del Código penal, Barcelona, 2011.
BOLDOVA PASAMAR, M.A., Los delitos urbanísticos. Barcelona, 2007.
- ROMERO ALOY, María Jesús y ROMERO SAURA, Fernando: La zonificación urbanística. La Ley, 2013.
LÓPEZ RAMÓN, Fernando, Introducción al Derecho urbanístico, Marcial Pons, 4ª ed., 2013.
LORA-TAMAYO VALLVÉ, Marta: Urbanismo y derecho de propiedad en Estados Unidos. Iustel, 2013.
MARTÍN REBOLLO, Luis y BUSTILLO BOLADO, Roberto (directores): Fundamentos de Derecho Urbanístico, Thomson-Aranzadi, 2007.
MENÉNDEZ REXACH, Ángel: Los objetivos económicos de la regulación del suelo (1956-2015), Revista de Derecho Urbanístico y Medio Ambiente, 311, 2017.
MUÑOZ MACHADO, Santiago y LÓPEZ BENÍTEZ, Mariano: El Planeamiento urbanístico, Iustel, 2007.
- GIFREU I FONT, Judith: L'ordenació urbanística a Catalunya, Marcial Pons, 2012.
GIFREU I FONT, Judith: Ciudades adaptativas y resilientes ante el cambio climático: estrategias locales para contribuir a la sostenibilidad urbana. Revista Aragonesa de Administración Pública, 52, 102-158, 2018.
GUERRERO MANSO, Carmen: La continuidad y equilibrio de los tejidos urbanos: segregación urbana y gentrificación. A Alonso Ibáñez, María Rosario (dir.), La sostenibilidad socioeconómica de las ciudades. Estudios jurídicos (109-139). Tirant lo Blanch, 2018.
HERVÁS MÁS, Jorge (coord.): Nuevo régimen urbanístico de la Comunidad Valenciana, 3ª ed., Tirant Lo Blanch 2021.
ROGER FERNÁNDEZ Gerardo: Para comprender el urbanismo español (de una vez por todas). Iustel. 2011.
- BAÑO LEÓN, José María: Derecho urbanístico común, Iustel, 2009.
BAÑO LEÓN, José María. La obsolescencia de la idea del plan general. Revista de Estudios de la Administración Local y Autonómica, 13, 6-21, 2020.
BASSOLS COMA, Martín. La planificación urbanística y su contribución al desarrollo urbanístico sostenible. A Esteve Pardo, José (coord.): Derecho del medio ambiente y administración local (677-710). Fundación Democracia y Gobierno Local, 2006.
CERDÀ I SUNYER, Idelfons. (1861). Cuatro palabras sobre el ensanche, dirigidas al público de Barcelona. Establecimiento tipográfico de Narciso Ramírez, 1861.
GARCÍA DE ENTERRÍA, Eduardo: La ley del suelo y el futuro del urbanismo. Anuario de Derecho Civil, 11, 485-510, 1958.

- Además de todas estas, se podrán introducir otras referencias por el profesorado, tanto en el anexo a la guía docente como durante el desarrollo de las clases.