

The inspection will outline the most serious cases of illegal houses for demolition

The type of land built upon or the existence of profit will determine the scale
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EL PAIS.com Urban development legality is a path that does not allow for short-cuts and its restoration must be considered in the municipal PGOUs. This message has been persistently repeated by the Director of Housing and Planning, Juan Espadas, in meetings that he has had with the mayors to tackle planning. The phenomenon has acquired such a dimension, with dozens of thousands of houses built on non buildable land all over the Andalusian territory, that a global answer isn't possible. It isn't either possible to demolish all the illegal houses, nor can there be a general amnesty because this would reduce the legitimacy of the planning regulations.

So the process of regularisation will have to establish a hierarchy of irregularities, and determine those which can be adopted by planning and those that have no other remedy but to remain 'fuera de ordenacion'. Somewhat similar to the plan of regularization designed in the PGOU for Marbella whose author, Manuel Gonzalez Fustegueras, adopted the concept of mortal and venial sins to explain.

The newly created Inspectorate of Urban Development has, among its missions, to define a precise register of all the irregularities, which will allow them to establish which measures to apply to restore the legality, but always from the premise that no infraction must remain unpunished and the general interest must prevail over the individuals.

To give guarantees of objectivity and to remove doubts of arbitrariness, they have elaborated a regulation that establishes four fundamental criteria on the priorities of the Plan of Inspection.

Social repercussion. The social, judicial or economic context must be considered. " It is necessary to take into account the existence of a special social sensibility when assessing some infractions because it is necessary to link the disciplinary action of the Administration with civil society ", explains the Director General of Inspection, Jose Antonio Ortiz , referring to places like Medina Azahara, El Palmar or Axarquía, where the phenomenon of urban development is a source of social conflict.

Prevention. One of the priorities is disciplinary actions that can further prevent infractions from multiplying. A rapid and effective action against the first manifestations of a new type of infraction can have this preventive effect, and an example can be the new phenomenon of installation of wooden houses brought about by the wrong belief that they can be placed on seulo no urbanizable.

Territorial consideration. They will preferably take actions that have an effect on a territorial scale and concern protected lands, or lands reserved for infrastructures and equipment in the regional plans. Turning a tool shed built in a ravine or in the riverbed of a creek, into a house isn't the same as if it is built in a land without this type of problems. An urbanization on land planned for road links in a mountain that forces a re-plan of infrastructure, is not the same as if it is on a plain where it is possible to create an alternative route.

Economic benefit. There must be different disciplinary answers for those infractions that have provided profit to their author, from those others that have not. For example, illegal plot divisions that have allowed the construction and selling of several houses in an area are different from the construction of a house for one's own benefit and use. Ortiz makes clear that when there is a professional activity it is easier to damage the general interests. For example, filling a fertile plain with houses destroying cultivation.

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