

TERRITORIAL HERITAGE IN THE ANDALUSIAN TERRITORY ORGANIZING PLAN: INDEFINITIONS AND DIFFICULTIES FOR A PRECISE UNDERSTANDING

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I. INTRODUCTION

After a long process of evolution of contents, the notion of “Territorial Heritage” has been shaped recently. It is an interesting concept that understands geographical space as a matter of heritage interest as far as it is the result of the permanent interaction between man and environment and which urges to observe and manage in an unitary way all the components that shape it. On that basis, the Andalusian Territory Organizing Plan (POTA), passed in 2006, introduces for the first time in the practice of Spanish planning the figure of the so called *Andalusian Territorial Heritage System* (SPTA), which tries to be a coherent net being its goal to convert these resources into assets for the cohesion and development of the region through its coordinated understanding and appreciation.

Undoubtedly the novelty of the approach awakes researching curiosity because, some years the Plan was passed, there are still many doubts about the System’s configuration and the administrative tools created for its management. Moreover, not only the planning practice but also sectorial policies on heritage protection, and even analyses on the matter, traditionally show a more than evident fragmentation.

On the other hand, keeping aside the patrimony analyses from an unitary point of view that are being developed in the academic framework during the last years, specific studies about POTA and, particularly, about SPTA, are still almost nonexistent, so that is the reason for considering this topic. In that sense, the present study constitutes a first approach to the issue, focused on the recognition and definition of the components which configure the System (not always clearly shaped in the Organizing Plan itself), and tries to cast light on its scope and inquires into the effectiveness of the legal figures and instruments it is based on.

II. METODOLOGY

From a methodological point of view, a study like that requires a systematic analysis of sources of information. In that sense it has been necessary a broad review of the existing bibliography on territory organization and heritage, preferably in the scope of Andalusia, as well as the reference planning documents (POTA, Sub-regional Plans and urban planning). It has been also essential the review of catalogues, databases and documental information given by the Ministries of the Regional Government with competences in the matter and organizing, planning and management norms affecting heritage elements. The basic worklines which compose this study are the establishment of the existing relationships between the elements and legal dispositions, the demarcation of the competence scopes for the different instruments and the reflection on effectiveness of the territory management that each SPTA component may have.

III. RESULTS

3.1. Conceptual changes in the consideration of heritage: the modern definition of territorial heritage.

In order to achieve the broad notion of heritage valid nowadays, a long way that started in the second half of the 19th century has been covered, when the concept, still very limited, takes for the first time a juridical shape, and which is developed through the 20th century as the ideas about which items are worthy of preservation change.

Initially, heritage value was just given to emblematic natural or cultural items with an interest derived from their aesthetic or artistic charm, and their protection was tackled without considering the environment they were held. However, overtime the selection criteria become broader. As regarding cultural heritage, the historical component is progressively imposed, renouncing to the concept of “monument” in favour of the notion of “cultural object”. When talking about natural heritage and the initial beauty criteria, reasons “of scientific, artistic, historical or legendary interest” will be included, later also botanical, fauna, geological, geomorphologic and palaeontological richness are considered, and finally educational, cultural and social values are added to the list of criteria.

Apart from that, the temporal criterion is also expanded in order to include recent works or cultural manifestations. And, at the same time, a territorial dimension which links the works with the historical, environmental and functional context where they are included is added, allowing a global perspective of the natural and cultural heritage.

By these means the recent concept of “Territorial Heritage” is reached, and it is expressed in a double perspective. First, the one which considers territory as meeting point between items of different nature which are understood through a system of interrelations and reciprocal influences established throughout history –as it is understood, for instance, by the *Andalusian Territorial Heritage System (SPTA)* established by the POTA–. Secondly, the one which considers geographical space as a “place”, a human construction produced from the original physical substratum and loaded with cultural and symbolic meanings valued by population as a sign of identity (that is the way it is depicted in the figure of the “Heritage Zone” included in the *Andalusia Historical Heritage 14/2007 Law*, and it is expressed in

landscape, which is now converted into the key element for the preservation strategy and the management of heritage resources).

3.2. The system of Heritage Patrimony in the POTA and the fragmentation of the information sources

The verification of the richness in Andalusian heritage resources and its insufficient use as a resource for the regional development are the arguments the POTA has for the creation of a new planning figure, the SPTA, a coherent net which integrates all the spaces and goods with heritage relevance existing in the Autonomous Region.

This is based in three main elements: territorial references; strategies for planning and management the Territorial Heritage; and an Information System for catalogued spaces and items. It is in the third one where our attention will be focused in, since despite a considerable period of time has elapsed since the passing of the POTA, it is not active yet, so we still do not have a unified platform to unequivocally identify all the System components. In that sense, the different Ministries of the Regional Government have prepared their own databases and information nets, being nowadays at different stages of development. However the creation of integrated catalogues has not been tackled yet, neither in a regional scope nor in the scope of the reference units defined by the POTA. The sub-regional planning instruments have not developed still an exhaustive compilation of the heritage items located in their spheres. If we add the insufficient definition that the Plan itself gives for some of the SPTA components, and the different legal cover the different elements have, it is understandable the difficulty to define the scope of the System and to develop the outlined coordinated management strategies. As a result, doubts about the real effectiveness the proposals might have immediately arise.

3.3. The nature of the SPTA components: definition and delimitation problems

Due to the amount of items and spaces with heritage interest existing in Andalusia, the list of components suggested by the SPTA is large and varied. However its identification in the POTA is not always as precise as it should be; and it is not clear the effectiveness that the inclusion of some of them into the System might have for the development strategies.

3.3.1. Natural origin components

The list of natural spaces considered by the POTA frames a vast territory monitored by different norms.

Among the included figures it can be found, first of all, the **Natural spaces and cultural items protected by international instruments and LICs** (Community Relevant Locations). From these it is remarkable the *Biosphere Reserves*, *World Heritage Sites*, *Ramsar Convention Wetlands*, *Especially Protected Sites Relevant for the Mediterranean* and the *Mediterranean biogeographical region Community Relevant Sites* (integrated in the *Natura 2000 Network* together with the *Special Protection Areas for Birds*, which are not mentioned in the POTA). Alongside them, in spite of the fact that the Plan does not mention it either, it can be

also included the spaces receiving the *European Diploma*, the *Geoparks* and, when designated in a future, the *European Council Biogenetic Reservoirs*. The later were considered in the *42/2007 Law of Natural Heritage and Biodiversity* after the Plan was passed but, like all the new additions to the protection catalogues, are suitable to be added to it. As regarding the internal management in the SPTA, the current situation for these spaces is varied, sometimes because the figures are not clearly defined in the legal documents which regulate them; some others because the dynamic for developing instruments itself does not fit the necessary rates for an effective action. All of this creates uncertainty around the operability of some of them inside the System.

A second group of natural components are those integrated into the **Andalusian Protected Natural Spaces Network**. These are the *Community Relevant Locations* belonging to the Andalusian areas from the *Natura 2000 Network* and the spaces directly protected by means of particular laws such as *National Parks*, *Natural Parks*, *Periurban Parks*, *Natural Sites*, *Protected Landscapes*, *Natural Monuments*, *Natural Reservoirs* and *Coordinated Natural Reservoirs*, to which it should be added the *Marine Protected Areas* added by the *42/2007 Law*. The regulation of this kind of spaces through sectorial legislation is precise. However it did not always have appropriate effectiveness as a tool for local development, mainly due to the lack of agreement between the maintenance and public use of the protected spaces and the organization of activities by the local population. If with these precedents we consider its chances inside the SPTA, the goals it pursues cannot be guaranteed.

A third group of components are the **Spaces included in the Spaces and Protected Goods Catalogue from the Physical Environment Protection Special Plans (PEPMF) of provincial level or, where appropriate, undeveloped land specially protected by the urban or territorial planning**. Nowadays most of the areas specified in these tools are also under the scope of other rating figures. However there are still areas reflected in these Plans which are not specified in subsequent inventories, so the choice by the POTA to designate them as specific components of the SPTA is fully understandable. The difficulty lies, however, in the lack of development of protection norms for these spaces, established by the PEPMF, due to its late publishing and, above all, to the own nature of these documents as Special Plans, non-binding for urban planning. This situation makes it complicated, to a certain extent, its treatment inside the SPTA.

Sites which constitute the Public Hydraulic Domain and Coastal Waters are also part of the System. They are all clearly defined by the suitable legislation but its demarcation is not finished yet, being especially serious the delays concerning waterways. Although the lack of declaration in any kind of mode means the nonexistence of public domain, it is an unflattering situation for its management inside the SPTA.

In spite of the considerable progress made in terms of demarcation in the last years, something similar can be said about the **Livestock Trails** that, together with other “**nature trails**”, constitute the next group mentioned in the POTA, and which has been demarcated just on a 35% of the total amount. Until the actions are not completed, the drawbacks derived from this situation seem clear, both for the precise knowledge of the affected spaces and elements and its full and coherent functioning inside the Andalusian heritage network. It is more difficult, however, the situation of the so-called “**nature trails**” since the content of the term itself is not included into the Organizing Plan and it is not clearly demarcated by the

competent bodies. Apart from that, there is not any legislative instrument about nature trails in Spain which supports actions in this field, so it is clear that we are moving in a framework as imprecise as uncertain regarding its regulation, protection and use.

Finally, the last group of natural components of the SPTA belongs to the elements and spaces inscribed into the **Inventories of geo-resources and wetlands**, being the two of them quite recent. Both have made it possible to have a long series of elements and spaces of both scientific and cultural or didactic interest from which, at the same time, it is aimed to get direct benefits such as socioeconomic development resources.

3.3.2. The cultural components

If the list of natural components shows some difficulties, the issue becomes more problematic when dealing with cultural items, due to the lack of definition of some of them and the different situation in which they are in connection with the heritage protection legislation.

This is not the case for the first group described in the Plan, the **historical cities protected as historical complexes**. Nowadays it is composed by 132 items in Andalusia, all of them included in the Andalusian Historical Heritage General Catalogue under the category of *Place of Cultural Interest* (BIC) and directly protected both for heritage and territorial and urban legislations. In that sense it is remarkable that the *14/2007 Law from November 26th on Andalusia Historical Heritage* forces municipalities to regulate the interventions in their historical complexes by means of general planning of Protection Special Plans. It also regulates the contents that must be included in these plans, establishes compulsory revision and adaptation to the existing needs when any inscription of real state is done into the General Catalogue, and it fixes a two-year deadline since the publishing into the records to fulfil the update. With these strict regulations, it seems the management of historical cities inside the SPTA can be performed within a clearly defined framework.

The identification and resulting treatment of complexes defined by the POTA as **other historical cities not protected but equivalent in values to the Historical Complexes** is more difficult. The editors of the Plan do not offer information to know in an unmistakable way to which elements is that definition making reference to. It has to be considered that for this Autonomous Community, and even for the whole State, there are no rules pointing without hesitation which complexes should be considered Historical Complexes and which ones should not. And, in fact, there is a very uneven situation in Andalusia as regarding regulations between the different areas, even having complexes with very similar values. Probably that is why the POTA includes among the components of the SPTA these cities without protection but with the same interest, but this does not solve the problem. First because the administration has not fixed yet clear and homogeneous valuing criteria to ease a systematic selection; secondly (and very important), because from a legal point of view just the intuition or even general agreement about the interest of a good are not enough to support heritage management initiatives. Even less so in a field as sensitive as urbanism in which, if there are no precise norms, the conflict of interests usually provokes serious confrontations.

POTA mentions **the Built Heritage belonging to the Place of Cultural Interest (BIC) category, or registered into the Andalusian General Catalogue of Historical Heritage**, as the next cultural component of the System. The BICs are registered in the Andalusian

General Catalogue of Historical Heritage. But what is more, since not all the elements and heritage spaces have the same relevance, the “general cataloguing items” are included here too, corresponding to these items which, being remarkable, do not reach the excellence degree of the former, but they still need protection and guardianship. Due to the monumental consideration of heritage that has impregnated the declaration of cultural items during decades, as well as the adding of new protection figures in recent dates, the current composition of the Catalogue is quite unequal. The imbalance in the amount of declarations has to do also with population density (smaller at mountains and salt marshes) and with the interests that traditionally have been more important in the consideration of goods, that lead to dismiss many remarkable cultural products lacking monumentality. It is exactly in the relationship with all of them where a suitable management seems to be very difficult to achieve.

Finally, as regarding the last category, **other archaeological sites and cultural heritage elements (caves, popular architecture, etc.)**, it must be admitted, once again, the ambiguity and scarcity of guidings provided by the POTA. This is especially serious in a moment like the passing of the document in which the effective protection of a heritage item was fulfilled only through its cataloguing, which needs a perfect identification, specific delimitation and detailed description and justification of its values. Luckily enough, the *Andalusian Historical Heritage Law* passed in 2007 has solved this problem creating the Accepted Items Inventory, being its goal to gather “those items which, as a result of a study or scientific research, are identified as belonging to our Historical Heritage”. It is remarkable the fact that its mere adding to the Inventory implies the duty of preservation, maintenance and care, so doubtlessly its juridical security is increased. As regarding the SPTA it seems natural to agree that these must be the items to consider, since they are actually identified and have preventive protection.

IV. CONCLUSIONS

The definition of the SPTA inside the territorial model given by the POTA, and the formulation of proposals directed to the collective management of the spaces and elements composing it, has been a landmark in the planning framework. However, in the SPTA proposal and in the choice of its management tools, weaknesses which affect their functionality are detected.

As has been proved in this work, one of them is the insufficient definition of some of the System components; another one, the legal status some of them have; and a third one is the evolution suffered by the regulations after the passing of the Plan. The fact that the latter has the status of legal norm, and therefore it is able to establish its own protection guidings, do not rectify the anomaly of giving the same structuring value from a territorial point of view to any kind of element previously declared. It also does not cover the lacks derived from the integration, under the same management unit, of different –and frequently vague– complexes.

Inevitably, doubts about the real effectiveness the System might have arise when, apart from the previous problems, it seems also that despite the time that has passed, the *System of Information of catalogued spaces and items from Territorial Heritage* is not operative yet, and that coordinated heritage items catalogues have not been developed, two main premises for any kind of integrated action. Under these circumstances, it is necessary to be aware of the practical results these territorial development strategies, settled on such an unstable basis, will have in the future.