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A Few Remarks on Urbanism Specific to Various European States from a Legislative and Historical Point of View

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Abstract: *Due to migration, but also of globalization, all European states face, from year to year, big problems related to urbanism that are not actually limited only to matters related to the architecture of cities, but also to traffic, the layout of parks and of green areas, as well as parking lots. This article will try to present distinctive legal issues related to how urban planning problems are solved in some of the main European states that are, among others, touristically developed, and how their local administrations try to solve all the important aspects mentioned above.*

Keywords: *capital; urbanism; architecture; space; administration.*

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1. Introduction

The world is in continuous change, from the climatic, demographic, economic, human, etc. point of view. The world is in continuous change, from the climatic, demographic, economic, human, etc. point of view. The cities, but also the villages, in fact the human settlements, are in a continuous expansion, so the former European cities registered in recent years a record increase of the population, especially in the areas situated outside them, where the number of constructions has significantly exploded.

Obviously, "the world has entered an age of urbanization and from 1980 to 2080, the world will urbanize massively", so, "by the time this century is complete, the world's population will be 80% urbanised" (European Investment Bank, 2018).

"In current contemporary times, the technical-urban dimension of the urban activity highlights the less visible elements of daily life in terms of daily comfort, namely the need to provide rural areas with running drinking water, sewerage, communications, etc., and such a dimension needs to be applied simultaneously with the implementation of (urban) planning solutions. The urban activity gives priority to this dimension of village development, and identifies itself with the water supply sources, with the establishment of the main water supply and sewerage network, the need for pumping stations, the location of treatment plants. From an urban point of view, there is also a need to address "the whole package of" water and sewerage problems, in order to reduce or avoid disastrous effects on the environment, in case there is no sewerage network while the population has access to running water" (Severin, 2017, pp. 375-376).

After the 60s, at least in the states that were introduced in a forced manner into the socialist camp, an equally forced urbanization took place. This was manifested by a very rapid increase of the number of those who moved from the village to the city, usually in the industrial cities made of iron and steel. This aspect determined a modification of the status of some villages in cities and a very rapid increase in the number of homes in this new type of cities, a phenomenon that usually endangered green spaces and affected the classical, elegant architecture specific before the II world war.

The 90s also represented an important stage for European urbanism, taking into account the enormous political transformation undergone by certain ex-communist states.

The 90s also represented an important stage for European urbanism, taking into account the enormous political transformation undergone by certain ex-communist states. After 2000, a real "revolution" took place in

this field, because at this stage globalization made its presence felt. That determined both a major change in terms of migration of people, as well as the image of big cities. Unfortunately, at this stage the phenomena mentioned above led to the deterioration of the environment, because the massive urbanization as a result of globalization represents, in fact, a danger from several perspectives.

"From the economic point of view, the extensive globalization of production strategies and consumption behavior played a decisive part and had…. various impacts at the local level" (Kazepov, 2004, p. 1). "From the political point of view, the rise of supranational institutions and political configurations (e.g., the European Union) has been paralleled by a transfer of regulatory authority downwards to subnational territories, namely regions and cities" (Kazepov, 2004, p. 1).

2. A Few Remarks on Urbanism Specific to Spain

Historically, the traditional structure of cities in Spain, comprised of compact and complex, has contributed to economic efficiency, environmental quality, environment and social cohesion in general, as well as to the creation of a landscape and an urban and architectural heritage of great wealth, variety and beauty that, at the same time, was functional and creative and favoured social cohesion. That is why the destruction and deterioration of a urban and functional web has given rise to processes of degradation of social cohesion and of segregation manifested by economic and cultural marginality (Gobierno de Espana, 2011, p. 5-6).

Spain is a country of late urbanization and relatively recent metropolitan development, with a population distribution model that reflects various imbalances, which can be expressed through the contrast between the dynamism of large urban areas and the progressive dispossession of the population, manifested also in the crisis of the rural world (Gobierno de Espana, 2011, p. 12).

"The capital, Barcelona is a city which provides an excellent case study of many of the major themes of urban development and change, having many features typical of the north-west European city" (Barcelona Filed Studies Centre, 2022).

From some author's point of view (Roberts, 2019), the history of the urbanism of the city of Barcelona takes shape starting with the year 1930 when a group of specialists in the field -GCTASPAC- made a plan regarding how the city should have develop. The plan had as a purpose both the modernization of the city itself, the hygiene issues and the green spaces, last

of them being absolutely necessary not only for people from the upper classes, but especially for workers and ordinary people.

”This plan also would have imposed a rigid artificial order on the city, with all uses separated into distinct areas: residential, industrial, civic, and leisure. Everything was to be huge — the new roads, the skyscrapers, the monuments. A proper, “rational” modern city” (Roberts, 2019).

“In the period between 1945 and 1975, large areas of high-rise apartments were built along the major route ways and in parts of the urban periphery for immigrants from other parts of Spain seeking work in the city” (Barcelona Fields Study Centre, 2022). As Barcelona Fields Study Centre mentions in one of its studies, ”in the last twenty years, the 1992 Olympic Games and the Universal Forum of Cultures in 2004” brought major transformations, so “the image of this metropolis, becoming one of the most interesting and attractive from an architectural point of view in Western Europe” (Barcelona Fields Study Centre, 2022).

“The City authorities have been able to invest in major infrastructure projects and tackle serious inner city problems. Urban renewal has followed a 'culture-led' approach, with planned gentrification based around high-quality architecture, new museums and hotels” (Barcelona Fields Study Centre, 2022).

“Regarding the legislative framework of urbanism in Spain, historical patrimony act from 1985 contains provisions to protect specific buildings and areas with historical, artistic, or archaeological interest” (ELRA, European Land Registry Association). According to Law no. 16/1985 regarding the Spanish historical patrimony “the assets declared of cultural interest will be registered in a General Registry dependent on the State Administration whose organization and operation will be determined by regulation” (Head of the State, art. 12, Law no. 16/1985). It is the right of every autonomous community “to initiate, on its own initiative or at the request of any person, the files to declare of cultural interest the public or private property which is located within its territorial scope” (Head of the State, art. 11, law no. 16/1985).

In Spain, from the historical perspective of urban planning legislation, a series of normative acts had a particular importance, each of them revolutionizing to some extent and in a different way the urban planning and the planning of the territory in this country.

First of all, a special role was played by the Law of May 12 1956 regarding the land regime and urban planning. The construction activity is subject to administrative intervention, being one of the oldest situations of public authority intervention in this area of activity. This fact was all

absolutely necessary "as there is a very close connection between the buildings and the city itself", and "the administrative intervention in terms of urban planning was not only designed at the time of the execution of a work, but also upon its completion and for the entire duration of the life of the building". According to this normative act, the owners had to maintain the buildings in safe conditions, respecting the health and architectural norms (Government of the Spanish State, point V. Law of May 12/1956).

According to art. 4 para. 1 of law no. 12/May 12, 1956, "the activity of organizing the urbanism could be entrusted to both public and private entities, as well as mixed entities. The role of public structures was to encourage private initiatives or to substitute them, when it was necessary, respectively when the mixed entities did not fulfill their duties".

And because even in that period urbanism was not strictly limited to the arrangement of buildings or architectural problems, the law mentioned that the protection of the landscape was also a problem of major importance. This referred to the protection of "natural beauties, convenient for the promotion of tourism and the protection of some isolated buildings that stood out for their beauty or their location or their historical importance" (Government of the Spanish State, art. 15, law no 12/12 May 1956).

Another important normative act for this field was Law no. 19/2 May 1975, considered to be a reform of the land regime and urban planning law. This law arose from the desire to solve the difficulties and problems involved in the adaptation of urban centers to the requirements imposed at that time by modern technology and the living conditions that were typical of industrial societies. The law called into question the community endowments, the need to prepare an appropriate settlement from a social and economic point of view for large masses of the population (of the order of 22 million, as Spain had at that time) (Leadership of the Spanish State, point I, the law no 2 of May 19/1975).

In 1990, Law no.8/1990 brought extensive changes in human terms, taking into account the fact that "the situation in Spanish cities was different, since in some of them there was a stronger demand for real estate than in others, especially for tertiary or residential use, while in others there were serious problems regarding urban development" (Head/Leadership of the Spanish State, point VIII, Law no. 8/15 July 1990).

According to this normative act, "the lands that were classified as undeveloped land or that had an equivalent name assigned by the regional legislation could not be used for purposes other than agricultural or forestry" (art. 5, law no. 8/1990), while, about the development of the

territory, in general, it was mentioned that "any special protection zone could be delimited for the transformation of the destination or the nature of the land" (Head/Leadership of the Spanish State art. 7, law no. 8/1990).

In Spain, in the present, the main normative acts in this field are the Code on Urban Law, which subsumes:

- Royal Decree 1346/1976, of April 9, for the approval of the Consolidated Text of the Law on Land Regime and Urbanism (BOE 16.06.1976). The validity of this rule must be understood in terms of the explanatory memorandum of Royal Legislative Decree no. 2/2008, of June 20, approving the Consolidated Text of the Land Law, which states that its objective is "avoidance/ division of the provisions containing the relevant state legislation, except for the current part of Royal Decree 1346/1976, of April 9, approving the Consolidated Text of the Law on Land Regime and Urbanism, which has additional application except for the provisions of the territories of Ceuta and Melilla and, consequently, was excluded from the legislative delegation by virtue of which this Royal Legislative Decree is issued.

- RoyaL Legislative Decree no. 7/2015, of October 30, for the approval of the revised text of the Law on land and urban rehabilitation (Gobierno de Espana, Código de Derecho Urbanístico estatal, 15.06.2022)

3. A Few Remarks on Urbanism Specific to Italy

In terms of urban planning, Italy has undergone several legislative changes over time. Currently, from a legislative point of view, Italy has made references regarding aspects related to urban planning in the Constitution, respectively in art. 117, which mentions that "this aspect is part of the legislative areas of shared competence, along with protection and security at work, education, health protection, nutrition, capitalization of natural and cultural assets, etc" (Constitution of Italy, art. 117, para. 3).

From a historical perspective, in this field, in the period before the Second World War, the royal decree of 1935, issued during the reign of King Victor Emmanuel III, was highlighted. This decree concerned/referred to the technical standards of the buildings that could have been affected of earthquakes and raised several important problems both from the perspective of how it should be built, but also of the administrative aspects related to who was able to issue building or demolition permits and which were the urban planning rules in areas often affected by earthquakes.

Art. 3 of the Royal Decree-law 640/25 March 1935 specified with regard to construction works that, in case of each of them, " it is required to observe the good rules regarding the art of constructions, taking into

account the construction system adopted from a territorial point of view". Also, from the administrative perspective, arose the problem that those who intended to build new buildings or expand the existing ones "had the obligation to have a building permit and to comply with the hygiene regulations of each municipality" (art. 4, Decree-law 640 25 March /1935).

Until the second World War, another important normative act that brought significant changes both to the decree of 1935 and to Italian urbanism was the urbanism law of August 1942. "These normative acts brought to the fore aspects regarding the modernization of constructions, but also mass consumerism" (Paolini, 2020), and after the second world war in 1951, was adopted Law no. 1402 that discussed the rules and the plan for the reconstruction of buildings affected/damaged by war. Italy's reconstruction plan "put into question the street and railway networks, the areas intended for religious edifices or public spaces" (Italian Parliament, art. 3, Law no. 1402 /27 October 1951).

The reform from 1962 states that the urban planning must be implemented taking into account the national economic planning. The law was noted for having new provisions regarding the encouragement of the purchase of areas for economic and/or social housing, that it questioned the detailed (urban) plan. Starting this year, the capitals of the provinces were obliged, together with the construction/erection of buildings, to offer them the character of economic or popular housing (Italian Parliament, art. 1, Law of April 18/1962).

The 70s were marked in Italy by the appearance of several normative acts that marked the urban planning field through the effects exerted on the urban and territorial structure.

In the present, "the current Italian urban landscape is the result of a transformation process started back in the years after WWII. From the 1980s on, this process became increasingly widespread and weakened due to regional, provincial and municipal planning (Cabiddu, 2014, p. 494 apud. Romano, 2017, p. 3).

4. Conclusions

The aspects presented above highlight how varied the problems of urbanism in the world are and especially how many ways to solve them at local or central level were found by the states. We note that not all states have a Code of Urbanism that deals with issues related to such nuanced herein, but we have also found states, such as Spain, that have managed to develop complex legislation both at the central level and at the that of the

regions, precisely to find a common denominator in trying to solve such issues. What is also worth highlighting, after conducting this study, is the fact that as society has evolved, so has the approach to urbanism, in the sense that the legislation was not limited to issues related to housing or urban agglomeration, but also led to solve problems related to transport, tourism, communications, which represents a real revolution in the field.

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