The Land Problem in Spain in Relation to Town and Country Planning.

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Owing to its natural resources, varied climate, extensive and beautiful coast-line, small density of population (in places only 15 inhabitants per square kilometre), clear sky and splendid sunshine—the abundant wealth of its many rivers which contain so much lost energy and so much water which could be used for irrigation, and the charm of its historic cities, Spain could be one of the most populous, richest and happiest of nations, if the problem of the land were solved.

Legislation in Force.

The following is a summary of the legislation by which attempts have been made to solve the problem of the land in relation to housing, town planning and rural development in Spain.

Law of Expropriation. The fundamental law on which others have been based is the law of expropriation of the 10th January, 1879, and the regulations of 13th June of the same year. This law is quite out of date and has been constantly reformed and modified by later laws dealing with urbanisation, workers' and cheap housing laws, schemes for return to the land, etc.

In Article 3 this law determines that the indispensable requirements for expropriation are :—

1. Declaration of public utility of the plan.
2. Declaration that it cannot be executed without taking over part or the whole of the property.
3. Valuation of the property.
4. Payment of compensation.

Article 2 reads : " Public utility works are those whose direct object is to obtain for the State, for one or more provinces, or for one or more municipalities, any service or improvement for the public weal, whether such works are executed on account of the State, of the provinces, of the municipalities or by private companies or enterprises duly authorised for that object. "

This law stipulates a complicated process, which is slow and costly and by which in many cases private interests predominate over those of the community.

Law for Extension of Madrid and Barcelona. 28th July, 1892. This law is also out of date and inadequate for the necessities of large cities. The National Congress of Architects termed this law " unfortunate and against true economy " and asked for its repeal and the publication of a new law for the extension of all kinds of towns " the examination of which should be entrusted to a committee composed principally of architects ".

Royal Decree of 10th October, 1924, referring to Cheap Housing. This law is a consequence of the National Building Congress, was published after a public inquiry held in the Institute of Social Reform, and modifies the law of December 1921. It consists of seven chapters. The first refers to the legal conception of " cheap houses ", defining them as newly constructed houses that are officially recognised as such, having one or more storeys. They may be built either in units of one house, in rows, or in groups. Yards, gardens, parks and premises for gymnasia, baths, schools and co-operative stores, which may be accessory to a house or group of cheap houses, can be considered as integral parts.

Cheap houses may be built by the State, by official organisations, by all kinds of companies and by private individuals, either as a home for the owner, or for rent or sale. (Art. 6 and 7.)

Housing societies can take advantage of the benefits of this law provided their statutes and regulations have been previously approved by the Ministry of Labour. (Art. 14.)

In addition to financial assistance for building and other special facilities the land approved for the building of cheap houses will be exempt from all taxes or rates (including betterment taxes) whether of the State, Province, Municipality or District.

Chapter IV deals with the authority of the State, official and private bodies and duties of the municipalities in connection with cheap houses. If the clauses of this interesting chapter were carried out faithfully the whole problem of housing and town development would be satisfactorily solved for the whole of the country.

Art. 41 mentions that the State, Province or Municipality may lease or freely give the land it owns that is suitable for building cheap houses. In the same way the municipality can build cheap houses on public land, and can purchase land with a view to developing it, or letting or selling it for the building of cheap houses.

Art. 43 is extremely important. It requires the municipal council of towns in which the housing problem is acute to draw up within one year of the date of publication of the regulations for application of the law a plan of development and for the building of cheap houses. Such plans must be submitted to the approval of the Ministry of Labour, and the Royal Decree which approves same will declare the plan as a public utility enterprise with right to expropriation. The Council may divide the plan into several parts and may transfer its rights and duties to any third party that guarantees to carry them out. This is somewhat similar to the compulsion under the English town planning law. The plans may be executed, wholly or in part, by outside contractors, to whom the Council transfers its rights, amongst which is the very important right to expropriation given by the declaration of public utility, the lack of which so frequently hinders or prevents the realisation of practical plans of development.

If these conditions were carried out by our municipal councils " of the districts in which the housing problem is acute ", that is to say, in all the capitals of provinces and many other large towns, within a year we should have a number of very important plans which would tend to reform our old, defective cities, to extend them and colonise unpopulated areas, and build a large number of healthy, cheap and comfortable houses for all classes of society.

Art. 47 states that the National Institute of Prevision (an autonomous body founded by the Government for dealing with Social Insurance, etc.), other official corporations, companies and private individuals are entitled to request the Ministry of Labour to declare the plans they present for the building of cheap houses, as of public utility.

Chapter V deals with expropriation and reforms the clauses of the law of 1879 (which becomes supplementary) and stipulates (art. 48) that the municipal councils to whom rights have been granted as in the preceding chapter, after approval of their plans, shall propose a fair price to the owners and if the latter refuse to sell immediately, shall proceed to expropriation *without further transaction*, in accordance with a brief proceeding which is described in the following articles.

The valuation must be determined by comparison with similar kinds of property in a similar situation in the same district, without taking into account the increase in value of the property consequent on the realisation of the plan, or the improvements or extensions made after the property has been declared of public utility. An amount equivalent to 10 per cent. may be added to the valuation as compensation for personal attachment to the property.

If the plan for which the expropriation clauses have been used is not carried out within the period mentioned in the Royal Decree approving it the former owners can regain possession of their properties by returning the sums received in compensation (art. 53).

Municipal Status.

The law of Municipal Status—Estatuto Municipal—approved by Royal Decree of 8th March, 1924, is of important and far-reaching effect in the problem of land in relation to housing. Among other things the Status attempts to restore municipal autonomy, asserts the full incorporation of a municipality, recognises its juridical capacity, grants it a charter and sets forth that municipal decisions can only be opposed in the law courts.

With regard to land, housing and town planning, the Status contains the following precepts, some of which indicate radical changes and an initiative spirit.

The preliminary summary reads : " The Status duly extends the sphere of municipal competence ..... " Amongst these extensions we may quote three : 1. Municipal councils may build railways and suburban tramways as far as 40 kilometres from their own boundary in agreement with the other corporations interested, without obtaining permission of the Government. 2. Municipal councils may and should prepare their plans of extension, building and sanitation without need to submit their plans to corporations, academies and other official organisations, who take years to study the documents presented. The municipal decision which suppresses two periods of the proceedings for expropriation, will be examined only by the central or provincial sanitary committee, as the case may be, and the same facilities will be given for sanitary undertakings which until now have not been granted them as extension undertakings. 3. Municipal councils may decree the municipalisation, even with monopoly, of services and undertakings which at present enjoy complete industrial freedom. This power cannot be omitted from a municipal status law, and the present law regulates the power without adopting socialist tendencies or obsolete conservative formulae. It permits the expropriation of industries

and undertakings and the cancellation of concessions, but gives in detail and in all fairness the manner of compensating the owners of interests it takes over.

Section 6, Book I, title V, chapter 1, deals with " extension, sanitation and development undertakings ", declares that such undertakings within a municipal district are exclusively the prerogative of a municipality, and includes in such " the plans for the extension of cities, even when they go beyond the municipal territory, and the development of land between such extension and the municipal boundary ". Power is also given for the destruction of unhealthy houses after having declared the expropriation on the ground of lack of sanitation as established in the law of 10th December, 1921, and the building by the municipality of sanitary houses or groups of houses.

All of these plans, after approval by a general meeting of the council, must be submitted to a Sanitary Committee (to the provincial committee for municipalities that are not capitals of provinces or have less than 30,000 inhabitants and to a central committee in certain cases) which will examine the schemes from a sanitary point of view and indicate any defects.

The definite approval of a scheme carries with it the declaration of public utility of the undertaking and the expropriation of land and buildings which lie within the roads, parks, squares, etc., indicated on the plans, together with the expropriation of land to a depth of 25 to 50 metres on each side of the streets or the same depth round the squares. This is the first instance in which Spanish legislation admits the right of expropriation of excess land which is common in Anglo-Saxon countries. This prerogative of the municipality has met with so much oppostition in the United States, where a debate has been carried on as to whether a reduction in the cost of municipal undertakings really constitutes the " public use " mentioned in the Constitution as an indispensable requisite for the declaration of expropriation. The same prerogative is widely applied in other countries : England, Canada, Belgium, France, where it has greatly facilitated the realisation of important public development undertakings, reducing their cost, and in some cases being an actual source of income to the municipality owing to the increased value of land acquired, due to the improvements carried out by the council. If this principle is properly applied in our country it may be very beneficial, as it places at the disposal of the municipal councils a belt of land 25 to 50 metres wide all along the newly developed thoroughfares.

The strip of land acquired may sometimes be wider than 25 to 50 metres, as article 185 states : " the advantages granted in the preceding article will (in schemes of water supply, drainage and the complementary plant for treating sewage) extend to the zone or protected perimeter of rivers, streams and springs, as also storage dams, guide canals and pipe lines taking the water to users, or the land necessary for purification of sewage ".

Art. 186 states that no property may be occupied without the value having been paid or deposited.

Chapter IV deals with " duties of Councils " and section 3 deals with " social items ", art. 211 stating that the councils should stimulate the building of cheap houses. To that end they are authorised to hire, sell, let or give common land for building sites for cheap houses ; to build themselves on common land ; to acquire land suitable for building cheap

houses and sell or let it for that object and to issue special loans for these purposes.

Municipal councils are also required (art. 213) to stimulate interior colonisation and may transfer their common property to the Superior Committee for Colonisation and Repopulation.

Art. 316 and 332 deal with municipal rates and special taxes which can be imposed: a) when the value of certain properties is increased by the municipal services, installations and undertakings; and b) when the municipal services, installations and undertakings favour certain persons or classes, although no determinable increase of value exists.

Such undertakings include not only those of urbanisation properly speaking (opening or widening of streets and squares, parks, gardens, promenades, sewage, lighting, etc.) but also building of roads, bridges, railways, tramways, lifts and subways, dams, canals and "everything of a similar nature" as stated in art. 354.

Art. 359 states that the financial resources of the extension will continue to be governed by the law of 26th July, 1892. For sanitary, urbanisation and improvement enterprises which do not refer to the extension the councils will use their ordinary and extraordinary resources as provided in the Law of Municipal Status.

Art. 408 establishes a tax on uncultivated land, but such tax cannot be imposed before said lands have been declared as such and notification given in public and private of same. The land subject to this taxation is that which is not legally considered as building sites and is technically and financially capable of utilisation for agriculture, forests or pasturing, but is not so utilised, or is utilised in a notably insufficient manner.

Art. 422 establishes a tax on the increased value, after a certain lapse of time, of land situated in the municipal district. An exception to this taxation is land attached to agricultural, forestry, dairy-farming or mining undertakings which are not legally classified as building sites.

As will be observed, the Law of Municipal Status is very well focussed and if well applied, can procure for the municipal councils the legal position and financial resources with which to solve rapidly and justly, alone or in conjunction with other corporations or private enterprises, the problem of the land in its relation to housing, town improvements and extensions and the building of new towns.

Building of Cheap Houses for the Middle Classes.

As a complement of the Decree of 10th October, 1924, regarding cheap housing for workmen, the decree of 29th July, 1925, extends the advantages of the former law to the middle classes.

Interior Colonisation and Repopulation.

The question of interior colonisation and repopulation is extremely interesting and worthy of study in this country, where there are enormous areas of land almost unproductive and belonging to a single owner, whilst in surrounding villages there are thousands of farm labourers who have to migrate because they cannot find work or land on which to live. This question is governed by the Besada Law of 30th August, 1907, and the regulations of 23rd October, 1918, which is the first law of its kind in Spain and constitutes an attempt at State protection and an initial step towards the solution of the important economic and social problem of our agricultural development. Although its tendency is sound this law

has two exceedingly serious defects. The scanty resources are out of all proportion to the magnitude of the idea, as only 1,500,000 pesetas were set aside in the Budget for this purpose, and it only places at the disposal of the Central Committee of Interior Colonisation and Repopulation those lands that can be transferred by the State, or that municipalities may elect to give freely for this object, and those whose colonisation can be paid for by their own products.

The Central Committee of Colonisation, in view of the results obtained in the first colonies established and because the State owned lands are not extensive enough and are inadequate for such an important undertaking, has insistently requested that this law should be reformed to extend the colonising action to private property where negligence, ignorance or egoism has kept the land from being properly cultivated. Such properties exist in all parts of Spain, but especially in Extremadura, Andalusia, Ciudad Real, Toledo and Salamanca, and offer ample scope for an intensive and productive scheme of colonisation and repopulation.

In 1914 the first outline of reform was presented. The Parliamentary Commission opened a public enquiry. A large number of individuals and associations took part and proposed schemes. Some of these, e. g., that of the Compañia Madrileña de Urbanización, expressed the hope that these new colonies would be planned from the start to constitute towns after the model of the lineal city so that, by adopting an integral form of colonisation and not merely an agricultural colony, they would become in time populous centres in which the charm of country life would be harmonised with the attractions and advantages of the town. Such would have more open space than buildings, with different zones or districts—urban, business, industrial, agricultural—and limited by an ample belt of woods, meadows and cultivated fields, applying to all classes of society the formula : " One family one house, each house to have its own garden. "

Neither this scheme nor other plans for colonisation obtained the states of law. The plan drawn up by the Ministry of Labour in May 1921 has radical tendencies but is based on a wide experience and a noble ambition and should be better known and put into practice.

This scheme asserts the necessity " of intensifying the production of the land, of supplementing the slow and indolent action of private owners in the transformation of dry farming to irrigation, and of stimulating the establishment of social savings institutions ". These objects would be obtained by subdividing the lands of the State, municipalities or private persons to form colonies or grant them as allotments, dividing up land or renting it to syndicates or agricultural labourers' societies, stimulating or forcing the landowners' syndicates to introduce certain improvements, or granting facilities for partial groupments or creating difficulties for establishing excessively small sub-divisions.

To this end, two systems of official colonisation are indicated : the direct and the indirect system. The direct system is that created by the law through the National Institute of Colonisation, an organisation set up by statute ; the indirect method is that of societies and private bodies, with state assistance.

Direct colonisation may be obligatory or voluntary. In the case of obligatory colonisation, the land affected is State, municipal and other common land, including in certain cases public or national parks, and also (and herein is the novelty on the part of the legislator which should

have as a corollary a strict public administration in the application of the law) private property that is uncultivated or insufficiently cultivated, marshes, swamps and morasses capable ob being drained.

Art. 11 states that land will be considered as insufficiently cultivated : 1. If it is capable of being used for agriculture, forests or grazing but is only used as hunting ground or for bringing up cattle for the bull-ring ; 2. if it could be profitably ploughed up, without destruction of existing forest wealth, and is now devoted to hunting grounds, even though cattle are grazed thereon ; 3. if a property of more than 75 hectares is devoted exclusively to pleasure and could be cultivated as in 1. and 2. ; or if more than 300 hectares belonging to a single owner or 500 hectares belonging to several could be profitably transformed to another kind of cultivation or could be colonised with advantage to the labourers ; and lastly if in a zone which could be irrigated but is not, or where owners do not undertake the necessary co-operation for retaining dams and for irrigation when invited by the State.

The scheme admits the principle of expropriation in the interests of colonisation and modifies considerably the old and useless law of 1879 which frequently allowed private interests to overcome the supreme public interest. It tends to curb the exaggerated ambitions of the private owner without leaving him completely defenceless, yet at the same time maintains the supremacy of the public interest.

A very important prescription of this scheme is that the National Institute of Colonisation should proceed at once to the formation of a register of all property that should be declared for colonisation, which should, if no attempt be made at once to start colonisation, be subject to a special supertax.

The creation of social savings institutions under the National Institute of Prevision is recommended for agriculture and cattle rearing.

The public administration is authorised to compel the owners of certain lands to form an association to undertake certain collective work of general utility—protection from the sea, rivers or torrents, sanitation, irrigation, roads, etc.—and the Government is empowered to declare certain properties indivisible and to instruct the Registrars of property to carry this out by forming a register of properties which cannot be subdivided.

The following types of colonisation are established : the family patrimony, collective renting, and groups of colonists or agricultural colonies, each colony having a co-operative establishment which serves as an intermediary organ between the colonists for their necessities in matters of credit, savings, assistance, insurance, sales, purchases and cultural progress.

If this interesting scheme were duly modified, rapidly approved and applied it would constitute an important step towards that " conquest of Spain " to which that notable statesman, Costa, referred.

Aims and Ideals.

As will be seen from the brief summary of legislation in force in Spain, there are a number of laws tending to solve the problem of land in relation to town planning, housing and colonisation of rural districts. But much remains to be done, as the practical results have so far been very scanty.

It is necessary to solve the problem of the land in its many aspects, and it is therefore necessary to obtain the co-operative efforts of our scientists, legislators, public administration and business men.

The first step is to draw up a law similar to that of other countries: the Town Planning Act of 1919 in England, amended in 1921 and 1923; the French law of 19th July, 1924, referring to the extension of towns and division of land (complement of the law of 14th March, 1919); the Belgian law of 1915; the Prussian law of 1918, etc. The Spanish law should be more complete than these because it should not only aim at improving our old towns, extending them and building new towns, but should also tend to stimulate the colonisation and repopulation of the land in accordance with the wide vision and progressive spirit of our proposed law of 27th May, 1921.

Such a law might give birth to a new official organisation, the National Institute of Urbanism, similar to the institutes created in recent years in other countries.

This National Institute should be adequately housed as the most important official centre in the economic resurrection of Spain, should have ample resources, a voluminous special library open to all, with halls for conferences, festivals, exhibitions and shows. It should be in constant communication with similar centres in other countries and should organise frequent lectures, also periodical exhibitions of engineering and architecture.

The two sections into which the Institute should be sub-divided are: 1. "Urbanisation" or town planning; 2. "Colonisation" or country planning.

The Institute should be composed of all classes of persons, chiefly engineers, architects and other technicians, but also doctors, economists, financiers, social experts, manufacturers, artists, workmen and representative women.

The law should establish compulsory town planning, that is to say, all municipal councils of the capitals of provinces and towns of a certain number of inhabitants, should be obliged to draw up within a given time (rather more than the year fixed by art. 43 of the Cheap Housing Law of October 10th, 1924, which article has not been carried out) plans of improvements and extension to be submitted to the definite approval of the National Institute. If such plans were not presented in time the Institute should draw up plans at the expense of the respective councils.

The Institute should also draw up the register of properties throughout the kingdom that are adequate for colonisation, as foreseen in the 1921 scheme, and should examine and approve the plans for colonisation submitted by private persons or legally constituted bodies wishing to colonise land with the assistance of the State.

The Institute should be in constant contact with public opinion. It should decree that all town plans and proposed schemes of colonisation be exhibited to the public and that an ample, free and public enquiry be held before definite approval is given. The public should have opportunities for making suggestions, as is done in certain large cities of Germany with admirable results and this should have an important influence on the formation of a civic spirit.

If organised on these lines, the National Institute of Urbanism would be the first step towards the economic resurrection of our country.

There should also be an hydraulic policy which would turn to good use for irrigating our thirsty fields and drive countless machines of our industries by the cubic metres of water which our rivers carry down to the sea each year without profit for mankind. A good afforestation would

totally change Spain, the most mountainous country in Europe with the exception of Switzerland, by covering its mountain sides with forests, and make our land one of the most charming, healthy and wealthy. Lastly, the railway policy should transform our present lines and build new ones as a necessary link in the building problem by connecting up garden cities.

The Spanish town and country planning law must take into account the lineal city.

When the law admits that the lineal city is of public utility, all Spanish public works—railways, dams, drainage of marshes and swampy regions, canalisation of rivers, roads, etc.—will be accompanied by plans for colonisation and repopulation adopting in one form or another the principles of the lineal city.

Such schemes should adopt the doctrine of the State as a shareholder, and in every case the State and the Municipalities interested in any plan for building lineal cities would have a share in the profits obtained by the company building the city. This share would be in exchange for the concessions (such as concessions of railways, water, electricity, telephones, etc.) the declaration of public utility and consequent advantage of expropriation of land, any free gifts which the State or municipalities might make of land, quarries, or forests within the area of the lineal city, and for the facilities and protection granted to the company, such as exemption from taxation, premiums, advances, guarantees of interests, etc.

This share might consist of 1. the receipt of a certain number of plots situated in the different zones of the city; 2. an annual royalty; 3. a certain number of paid-up shares; or 4. a contract binding the lineal city to establish a wide forest zone, meadows, fields for common use, etc.

In this manner, the interest of a private company would be in harmony with the supreme public interest represented by the State and the municipality.

Summary.

The natural resources, climate, coast line, small density of population and the abundant wealth of many rivers are such that Spain might be one of the most populous, richest and happiest of nations if the problem of the land were solved.

Legislation in Force. The law of 10th January, 1879, amended by later laws, gives the power to expropriate on a basis of public utility. The process is a slow and costly one and private interests tend to dominate those of the community. It is somewhat out of date, as is also the Law for the Extension of Madrid and Barcelona. The Royal Decree of 10th October, 1924, on Cheap Housing gives the power of expropriating land for cheap housing and for gardens, parks, baths, co-operative stores, etc., in connection therewith. Approved housing societies may take advantage of these provisions and the land is also exempt from taxes.

The central and local authorities may lease or give their land for such houses, and the municipalities may also buy land and sell or lease it. Town Councils are required, where the housing problem is acute to draw up plans for such schemes and submit them for approval. There are other very good clauses and if the clauses were carried out fully the whole problem of housing and town development would be satisfactorily solved.

The Law of Municipal Status also gives considerable power to local authorities among which is the right to expropriate land to a depth of 25 to 50 metres on each side of a road comprised in an extension or improvement scheme, this being the first instance where Spanish legislation has permitted expropriation of excess land. Powers are also given for special taxes on increased value due to public undertakings, and for a tax on uncultivated agricultural and forest land.

The Besada Law of 1907 gives powers for interior colonisation but the funds set aside for it are not sufficient. The Central Committee on Colonisation have urged that private property not properly cultivated should come under the expropriation clauses.

At a public enquiry held in 1914 by the Parliamentary Commission on Colonisation the hope was expressed that new colonies might be planned from the start after the model of the lineal city and not merely as agricultural colonies.

A good plan of colonisation was drawn up by the Ministry of Labour in 1921 but has not been put into effect.

There are a number of laws tending to solve the problem of land in relation to town and country planning but the results are scanty.

It is suggested in this paper that a law similar to those of other countries should be prepared and that it might give birth to a National Institute of Urbanism similar to those in other countries. This institute should include all sections interested in such a development. Town planning should be compulsory on town councils. The law should take into account the lineal city. There should be arrangements for a partnership between companies developing towns and the State and municipalities.

Sommaire.

Les ressources naturelles, le climat, les côtes, la faible densité de la population et la grande richesse de nombreuses rivières sont tels que l'Espagne pourrait être un des pays les plus peuplés, les plus riches et les plus heureux si le problème foncier était résolu.

Législation en vigueur. — La loi du 10 Juillet 1879, modifiée par des lois postérieures, donne le droit d'exproprier pour cause d'utilité publique. La procédure est lente et coûteuse et les intérêts privés tendent à l'emporter sur ceux de la communauté. Elle est quelque peu surannée, comme l'est aussi la loi pour l'extension de Madrid et de Barcelone. Le décret royal du 10 Octobre 1924 sur l'habitation à bon marché donne le droit d'exproprier le terrain pour la construction de maisons à bon marché et pour les jardins, parcs, bains, magasins coopératifs, etc. qui font partie des mêmes plans. Les sociétés d'habitation approuvées peuvent bénéficier de ces dispositions et le terrain est de plus exempt de taxes.

Les autorités centrales et locales peuvent céder à bail ou donner leur terrain pour de telles maisons, et les municipalités peuvent aussi acheter du terrain, puis le vendre ou le céder à bail. On exige des conseils municipaux, lorsque la crise du logement est aiguë, d'établir de tels projets et de les soumettre à l'approbation. Il y a d'autres dispositions excellentes, et si elles étaient entièrement appliquées le problème de l'habitation et de l'extension des villes serait résolu de façon satisfaisante.

La loi sur le statut municipal donne aussi un pouvoir considérable aux autorités locales, entre autres le droit d'exproprier le terrain jusqu'à une profondeur de 25 m. à 50 m. de chaque côté d'une route comprise

dans un projet d'extension ou d'aménagement ; c'est le premier exemple d'expropriation par zone dans la législation espagnole. Elle accorde aussi des pouvoirs pour l'établissement d'une taxe sur la plus-value due à des travaux publics, et sur les terrains agricoles et forestiers laissés en friche.

La loi Besada de 1907 donne des pouvoirs pour la colonisation intérieure mais les fonds qui lui sont attribués ne sont pas suffisants. Le Comité central de colonisation a insisté pour que les propriétés privées qui ne sont pas cultivées de façon satisfaisante soient soumises aux dispositions sur l'expropriation.

Lors d'une enquête publique effectuée en 1914 par la Commission parlementaire de colonisation fut exprimé l'espoir que de nouvelles colonies pourraient être aménagées dès le début sur le modèle de la cité linéaire, et non pas comme de simples colonies agricoles.

Un bon plan de colonisation fut établi en 1921 par le Ministère du Travail mais n'a pas été mis en vigueur.

Il y a de nombreuses lois tendant à résoudre le problème foncier en rapport avec l'aménagement urbain et régional mais les résultats sont insuffisants.

On suggère dans ce rapport la préparation d'une loi analogue à celle d'autres pays, qui donnerait naissance à un Institut National d'Urbanisme, analogue à ceux d'autres pays. Cet institut devrait comporter tous les enseignements qui concernent un tel développement. L'aménagement des villes devrait être obligatoire pour les conseils municipaux. La loi devrait tenir compte de la cité linéaire. Il faudrait réaliser une entente entre les compagnies aménageant des villes d'une part et, de l'autre, l'Etat et les municipalités.

Auszug.

Die natürlichen Hilfsquellen, wie Klima, Küstenentwicklung, dünne Bevölkerung und der Reichtum an Flüssen könnten Spanien zu einem der reichsten und glücklichsten Länder machen, wenn nur das Problem der Landverteilung gelöst wäre.

Bestehende Gesetzgebung. Das Gesetz vom 10. Jänner 1879, vervollständigt durch spätere Gesetze, gibt die Möglichkeit, Land im öffentlichen Interesse zu expropriieren. Der Vorgang ist jedoch langwierig und kostspielig und private Interessen versuchen die öffentlichen Interessen zu beherrschen. Das Gesetz ist etwas veraltet, ebenso wie das Gesetz für die Ausdehnung von Madrid und Barcelona. Das königliche Dekret vom 10. Oktober 1924 über die billige Hausherstellung ermöglicht die Enteignung von Land für Kleinhäuser und Gärten, Parkanlagen, Bäder, Konsumgenossenschaftsläden usw. Amtlich anerkannte Baugenossenschaften können Vorteil daraus ziehen. Auch sind diese Grundstücke von Steuern befreit.

Die zentralen und lokalen Behörden können für solche Bauzwecke ihr Land verpachten oder verkaufen und die Stadtverwaltungen können auch zu diesem Zweck Land kaufen, verkaufen oder verpachten. Die Stadtverwaltungen sind verpflichtet, dort, wo die Wohnungsfrage es dringend erfordert, Pläne auszuarbeiten und zur Genehmigung vorzulegen. Es gibt auch andere gute Bestimmungen, und wenn sie voll durchgeführt worden wären, so wäre das ganze Hausbauproblem und das der städtischen Entwicklung befriedigend gelöst.

Das Kommunalgesetz räumt gleichfalls den Behörden wichtige Rechte ein. Darunter das Recht, Landstreifen von 25 bis 30 Meter Breite an beiden Seiten der Straßen, die zu einem Plan für die Erweiterung oder Verbesserung einer Stadt gehören, zu enteignen. Dies ist das erste Mal, daß die spanische Gesetzgebung erlaubt, Land zu enteignen. Es wurde auch die Ermächtigung erteilt, Sondersteuern auf den Wertzuwachs von Land einzuführen, wenn dieser durch öffentliche Einrichtungen entstand, ferner eine Steuer auf brachliegendes Land und Wälder.

Das Besada-Gesetz vom Jahre 1907 gibt die Möglichkeit der inneren Kolonisation, aber die zur Verfügung gestellten Mittel sind ungenügend. Das Zentralkomitee für Kolonisation hat verlangt, daß ungenügend bebauter Privatbesitz expropriiert werden kann.

Anläßlich einer öffentlichen Enquete im Jahre 1914, welche die Parlamentskommission über Kolonisation veranstaltete, wurde die Hoffnung ausgesprochen, daß neue Kolonien nach dem Muster der „linearen" Stadt und nicht nur als landwirtschaftliche Kolonien geschaffen werden möchten.

Ein guter Kolonisationsplan wurde vom Arbeitsministerium im Jahre 1921 ausgearbeitet, aber er wurde nicht durchgeführt.

Es gibt eine Reihe von Gesetzen, welche das Landproblem lösen und seine Beziehung zur Stadt- und Landesplanung regeln sollen, doch die Erfolge sind gering.

In dem Bericht wird angeregt, ein ähnliches Städtebaugesetz wie in anderen Ländern vorzubereiten und ein nationales Institut für Städtebau nach dem Muster anderer Länder zu schaffen. Das Institut sollte alle an einer solchen Entwicklung interessierten Fachgruppen einschließen. Städteplanung sollte den Stadtverwaltungen zur Pflicht gemacht werden. Das Gesetz sollte die „lineare Stadtanlage" in Erwägung ziehen. Es sollte auf ein Zusammenwirken der Gesellschaften für die Stadterweiterung mit dem Staat und den Stadtverwaltungen hingearbeitet werden.