

NEW POLICIES FOR THE MANAGEMENT OF PERI-URBAN AGRICULTURAL SPACES. THE CASE OF L'HORTA DE VALÈNCIA (SPAIN)

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ABSTRACT

On March 12, 2018, the Law of L'Horta de València was approved. This law is the result of a very long process of technical and social maturity, of more than 20 years. The peri-urban agricultural area of L'Horta de València has historical, environmental, economic and social values that have been recognized for a long time and currently occupies some 23,000 ha. However, the protection established in territorial planning is a passive protection only for land uses control, but does not include actions or initiatives to maintain agricultural activity which is precisely the object of protection. In the year 2000, a popular legislative initiative collected 118,000 signatures in favour of the approval of a law to protect L'Horta. This law was not approved, but it opened a period of consolidation of public awareness for the protection of this space and analysis of the active measures to be taken to ensure the maintenance of agricultural activity in a manner compatible with the landscape, as well as environmental and historical qualities. All this process, in which a large number of social agents have intervened, has finally culminated in the Law approved this year. The present article synthesizes the contributions made on the subject and analyses the actions that the law finally regulates as instruments for the protection and revitalization of this agricultural space. Particularly the article analyses its general approach; the elements to protect that includes especially the agricultural economic activity; the legal framework of the territorial plan; the treatment of abandoned lands through measures such as the 'land bank'; zoning and classification of agricultural land including measures for the treatment of urban edges; the creation of a Council of L'Horta de València to manage this area; the definition of the Agrarian Development Plan; and the implementation of the General Register of Agricultural Production.

Keywords: agricultural heritage, agricultural land management, peri-urban zones management, regional planning, Valencia's huerta.

1 INTRODUCTION

La Huerta is an extraordinary space, as evidenced by many studies about all its characteristics. All these studies have been carried out over a long period. For example, the classic that Cavanilles [1] did in the late eighteenth century to others studies made in the 90s like those of Miralles [2], Díaz [3], Antolín [4] and Biot [5]. All the studies have in common the positive evaluation of this singular landscape.

Antolín already points out that the lands of high agrological capacity in the Valencian Country represents 3.9% of the surface of the Valencian territory. The more agricultural land are the fertile plain of Turia river in Valencia and the fertile plain of the lower valley of Segura river on the south of Alacant. At the same time, in 2006, the urbanized areas suppose a 4.86% of the Valencian territory.

Really, these agricultural zones are rare. At the international level, the Dobris Report [6] highlighted the importance and uniqueness of this landscape by identifying only six similar locations throughout Europe.

Currently, the most complete and rigorous study is the document named Territorial Action Plan to regulate and revitalize L'Horta de Valencia (*Pla d'Acció Territorial d'Ordenació i Dinamització de L'Horta de València*, in Catalan), promoted and elaborated since 2006 by the regional Ministry of Environment, Water, Urbanism and Housing of the Autonomous Government of the

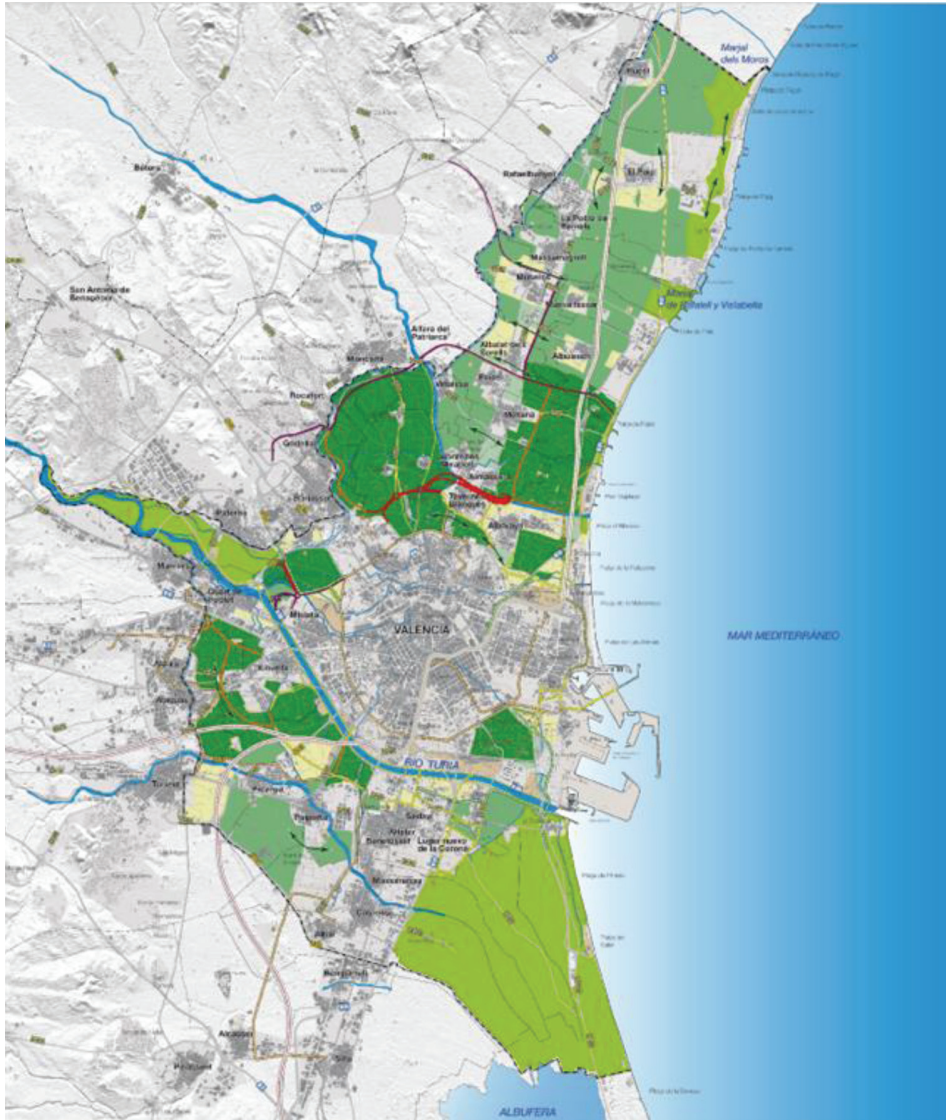


Figure 1: Geographical area of the peri-urban agricultural space of L'Horta de Valencia and zoning. Origin: Territorial Action Plan to regulate and revitalize L'Horta de Valencia. Generalitat Valenciana.

Generalitat Valenciana (*Conselleria de Medi Ambient, Aigua, Urbanisme i Habitatge*, today named *Conselleria d'Habitatge, Obres Públiques i Vertebració del Territori*). The plan was exposed to the public for first time in 2010 and after stopped. You can see in Fig. 1 the agricultural area of L'Horta de Valencia according to this plan. In 2015 was revised and again exposed to the public twice more in 2016 and 2017. Now, the plan is in final revision to approval.

On the other hand, the urban expansion on Mediterranean coast of Spain started by the Economic Plan of 1959. In 60s, public administration promoted a big touristic resort in the

area named El Saler of the Valencian coast, similar to the project of La Manga del Mar Menor, in Murcia (Spain) [8][9][10][11]. This project generated a very strong social movement against the destruction of spaces with environmental values like La Albufera, El Saler, the agricultural spaces of L'Horta and the old bed of the Turia River [12].

This social movement grew while the destruction of agricultural land also grew by urban development [13]. In 2001, this social movement promoted a law to protect the agricultural land of L'Horta by a popular legislative initiative procedure. The text of this proposal was the result of different workshops to analyze the problems and propose actions. The initiative managed to collect 118,000 signatures in favor of the law but it was rejected by regional Valencian parliament.

However, since this time, many studies started about the situation of agricultural land of L'Horta, its problems and possible actions to maintain this anthropic landscape. Particularly the studies to elaborate a territorial plan of L'Horta landscape, already mentioned. Finally, on 6 March, 2018, the 'L'Horta law' (*Llei de L'Horta de València*, in Catalan, or *Ley de la Huerta de Valencia*, in Spanish) was passed and published on 12 March, 2018.

2 L'HORTA'S LAND: SYNTHETIC RELATION OF PROBLEMS AND MANAGEMENT ACTIONS

2.1 Main problems identified on agricultural land of L'Horta de València

Many authors studied different questions about the peri-urban agricultural space of L'Horta de Valencia. This section includes, without intending to be exhaustive, the main authors who have worked on the subject of L'Horta from different points of view.

Muñoz [14], [15] carried out a complete study promoted by Valencian Government as a part of first works to elaborate the territorial plan. More recently, Romero & Francés [16] coordinated a work with an update of global diagnosis.

In addition, other authors studied different particular questions about this space:

- Guinot & Esquilache [17] and Temes & Moya [18], [19] studied the evolution and dynamics of agricultural landscape changes.
- The collective book 'Farmhouses: Landscape and architecture of L'Horta' [20] study the architectural and public works heritages. Note you that the oldest farmhouses that today exist are Gothic. In addition, the irrigation network is from the Muslim time or older.
- Miralles, Díaz & Altur [21], Miralles [22] and Gaja [23] studied the speculative urban development on Mediterranean coast of Valencia.
- Miralles [24], [25] and Romero & Melo [26] studied the processes of planning and management of peri-urban agricultural land of L'Horta.
- García & Cabrejas [27] and Marqués, Segura & Maroto [28] studied sociological questions like the perception from people about the social and environmental benefits made by peri-urban agricultural landscapes.

Finally, in 2017, Valencia organized the *2017 MILAN URBAN FOOD POLICY PACT Annual Gathering and Mayor's Summit*. One of the results was the document 'Proposals for a transition to food governance' [29].

The studies carried out are of very diverse type and by a large number of authors over a long period. It can be said that both the diagnosis and the management proposal regulated in

the law, are the result of an immense collective work discussed on innumerable occasions. All this activity has produced documents of all kinds and has progressively generated a collective awareness that little by little has fixed into a set of concrete proposals.

2.2 Main actions identified to solutions

The first studies with the specific issue of protection and management the agricultural land of L'Horta was carried out to elaborate the text of law to protect L'Horta by popular legislative initiative in 2001 [30]. Afterwards, the initial analysis and proposals improved with the contributions of different authors and new studies like already cited.

Next, the main analyzes and proposals because of this historical process are described in a synthetic way.

2.2.1 Moratorium of new urban development and regional plan to agricultural land of L'Horta

The studies showed that an accelerated process of urban development progressively urbanized an important part of the peri-urban agricultural territory (urban uses, facilities and infrastructures). In fact, approximately 50% of the historic agricultural land has already disappeared due to urban expansion processes. It is therefore necessary to carry out a spatial planning plan, called 'territorial action plan' in Valencian legal terminology, to order urban uses, establish protected areas and green infrastructure and approve a moratorium on urbanization processes of agricultural soils while drafting the plan.

2.2.2 Reconversion of agriculture to improve profitability: agricultural plan and agricultural council

The landscape of L'Horta is an exceptional landscape with a special feature: it is an anthropic landscape. It is a landscape generated by the accumulated wisdom for centuries by farmers. This implies an essential conclusion: the maintenance of this space is only possible if we have an agricultural activity compatible with its values and, additionally, maintaining the agricultural activity so that the farmers can live with dignity of their work.

This vision implies foreseeing, allowing and regulating actions to improve the agricultural production and the management of the production with a global vision and perspective more integrated in the processes of the global economy. It is possible promote a large list of actions: direct sales by farmers; proximity markets; certificate of origin; farmer reconversion to use new technologies such as the sale of organic products over the Internet; management center for the agricultural spaces and their production, coordinated investment in production and infrastructures...

2.2.3 Metropolitan plan and new governance

In addition to the territorial action plan of L'Horta, it is also necessary to draw up a plan for the metropolitan area of Valencia. This plan is necessary to design the location of urban uses, infrastructures and strategic facilities at the metropolitan level, assuming the green infrastructure proposal that includes the agricultural spaces of L'Horta. Through a metropolitan plan, urban expansion can be reoriented towards other areas. The elaboration of this plan is complex and also its management or execution.

Nevertheless, if we want planning the metropolitan area it is necessary to address the issue of metropolitan governance. In Spain, it exists the local and the regional administration. The metropolitan level is intermediate between the municipal and regional levels. Obviously,

for the plan to be successful, it is necessary to foresee the management system for the execution the actions planned. In the Valencian case, the Autonomous Government has the competences for the elaboration and approval of the metropolitan planning, but the urbanistic competences are municipal. Therefore, the metropolitan plan establishes the overall vision; the municipalities develop the metropolitan plan in its territory each administrative department executes, where appropriate, the infrastructures and facilities planned. In any case, inter-administrative coordination is not easy. For example, certain infrastructures are a state competence and, in these cases, the regional government cannot impose its design to the central administration.

2.2.4 Environmental power to manage natural Capital

From the analyzes carried out, it arises the idea of generating an institution of environmental power with the objective of guaranteeing in the long term the natural resources that are considered necessary for future generations and that, therefore, constitute an unrepeatable Natural Capital. This institution or organization can be called the Natural Capital Bank. This institution must be independent of the other powers of states: legislative, executive and judicial. The idea is the following: the legislative power establishes the protections and the environmental power is responsible of the custody of territory to maintain the natural resources protected according to protected rules. It is a way to block protected natural resources.

Now, in the Spanish and Valencian case, the implementation of this action implies the modification of the Spanish Constitution or the Statute of Valencian Autonomy. It is not possible to implement this measure from the current administrative organization and legal regulation or only partially and without full effectiveness.

2.2.5 Sustainability costs should be society's costs: agricultural council

On the one hand, in order to launch all kinds of strategic and investment agricultural actions with a global vision, it is necessary to create a board or council to manage revenues and expenses with those objectives. This council must have the responsibility of managing the agricultural plan.

On the other hand, the need for sustainability produces a cost for today, to secure long-term benefits. These costs of securing long-term benefits should be distributed among the beneficiaries of environmental services. If general society is the beneficiary, then it should bear the cost. A management system could be created based on land stewardship contracts inside the agricultural plan financed by private or ecological tax. The council must have also the responsibility to manage these possibilities.

2.2.6 Revised property theory about the ground to build on

The current legal system of Spain and the Valencian Country, facilitates the processes of real estate speculation and land speculation generating real estate bubbles that produce dramatic economic crises, as well as the irreversible destruction of spaces with environmental value such as the peri-urban agricultural spaces.

On the other hand, it is evident that the speculative processes based on changing the sale value of land and buildings do not generate economic progress but, on the contrary, poverty. In Spain, three real estate bubbles with the corresponding crises have actually occurred.

To protect agricultural land it is necessary changing this situation. In practice, the change must go in the line of distinguishing between ground and underground and consider that the underground, which supports the foundation of building and civil works, is a natural asset and therefore a public good.

Now, the regulation of these aspects corresponds to the central administration of Spain and the Autonomous Communities only can complete central regulation. Therefore, this issue cannot be addressed directly with regional legislation alone.

3 MANAGEMENT SYSTEM FOR AGRICULTURAL LAND IN NEW LAW OF L'HORTA

As has been mentioned, the Law of L'Horta is the result of a long process of collective maturation of the Valencian society on the problems that affect the emblematic agricultural productive area of L'Horta. The Law is not the result of the work of a particular technical team. Rather, the technical team that written the final text worked to give coherence, to compile and to formalize contributions made from many authors and forums. The same law has been submitted to a process of public participation. In this process, the stakeholders done contributions to the text. We must remember that environmental regulations are subject to the process of strategic environmental assessment and, therefore, before its legislative procedure, it goes through a process of public participation about the law's text.

It can be said that the idea of approving a Law of L'Horta is old, but the precision of its contents began to materialize with the text of the law to protection L'Horta promoted (but not approved) by popular legislative initiative in 2001. The Law now approved and published in the Official Gazette of the Generalitat Valenciana on March 12, 2018 [31] is the inheriting of that popular legislative attempt.

The purpose of this law is *the preservation, recovery and revitalization of the Huerta as a space with recognized agrarian, environmental, landscape, architectural, historical, cultural and anthropological values, which are decisive for economic progress, the quality of life of the citizens and the sustainable management of the metropolitan area of Valencia, promoting the economic profitability and viability of the agricultural activity.*

The initial articles of law establish the general framework and, among them, highlight the recognition of the social and public function of the agricultural land. Thus, it considers that the agrarian activity and the natural, cultural and landscape patrimony of the Huerta de Valencia have a relevant social role by favoring the development of the agrarian sector, food sovereignty, the welfare of the people, the sustainable use of the territory and the prevention of climate change. This means in practice a new perception of peri-urban agricultural activity. This declaration of its social function also means, within the Spanish legal framework, the declaration of public utility and social interest of all the actions that are carried out, which allows, where appropriate, the expropriation.

This new perception also includes the possibility of land stewardship contracts or similar to manage the agricultural activity or, in general, agreements between owners, farmers and consumers or users for the planning and management whichever of the values of the natural, cultural and landscape patrimony of L'Horta.

The main innovations that the law contribute are comment in the following sections.

3.1 Elements that make up the Huerta

The law describe the elements in a broad sense, not just physical elements. Therefore, the law establishes the following list:

- People who dedicate themselves to agriculture professionally.
- The Water Court of Valencia and its historic irrigation communities, the Royal Canal of Montcada and the rest of the irrigation communities.

- The land of high agrological capacity.
- The hydraulic heritage and water.
- The architectural, archaeological and ethnological heritage.
- The natural heritage (ecosystem).
- The agricultural network roads and historical roads.
- The structure and plot system of the Huerta de Valencia.
- Agricultural activity.
- Any element material or immaterial nature whose maintenance is adequate in order to promote the distinguishing feature and the sense of belonging.

From this list, we highlight as a first element the professional farmer, that is, the farmer who has the agricultural activity as a means of life. We must bear in mind that this peri-urban agricultural area is smallholder, that is, there is a large number of people with little plots for agricultural exploitation of less than one ha. Although it is common that farmers have several plots of land owned for exploitation. Obviously, to maintain this agricultural space, the maintenance of farmers and their activity is essential.

Another noteworthy aspect is the Water Court [32], inscribed in 2009 on the Representative List of the Intangible Cultural Heritage by the UNESCO. The Court resolves, only by verbal argument, conflicts between irrigators since medieval times. Farmers accept and apply the rulings of the Court. This system, in current terminology, is in fact a mediation system.

3.2 Territorial action plan for planning and promoting the Huerta of Valencia

It is evident that it is necessary a spatial regional plan for regulate the uses in the peri-urban agricultural area of L'Horta de València. The plan must identify the different areas and environmental zones, as well as the landscape units. The law includes the elaboration of territorial plan already started in 2006 and today almost ready for final approval (see section1).

The plan has the following objectives: establish protected areas with their justification and specific regulations for uses in each area; establish areas where urban expansion is possible; and the provision and limitations of public facilities and infrastructures, especially those of transport. All this is important and, in our case, the agricultural space of L'Horta becomes a green metropolitan infrastructure because it constitutes a natural resource and a landscape to protect and establishes limitations to other uses that may involve the destruction or disappearance of more agricultural land.

However, the territorial plans establish a framework of uses, but they do not have the capacity to regulate or promote economic, social or environmental activities, nor for the financial or economic management of activities. Therefore, the territorial plan must be complemented by other types of measures.

The law and, in more detail, the territorial plan establish the permitted uses, mainly agricultural, compatible uses as public facilities and tertiary compatibles with agriculture activity and prohibited or very limited uses such as industrial, urban expansion or highway infrastructure.

3.3 Agricultural land neglected

The law proposes intervention instruments in abandoned or uncultivated agricultural land. The legislator aims to maintain agricultural activity in the protected land and, for this, establishes the possibility of temporary transfer of use of the plot through an agricultural leasing,

which allows its cultivation by third parties who do not own the land. In this case, professional farmers have preference to be beneficiaries of the leases.

3.4 Classification and zoning of the Huerta's land

The Valencian urban legal system classifies lands into urban (currently built), urbanizable (building land) and non-urbanizable (land designated as not for building) and, in turn, the non-urbanizable land can be protected or not protected.

On the other hand, zoning allows the delimitation of specific zones within each land class with specific characteristics and its different regulatory treatment.

In this general framework, the law introduces the special urban treatment of the areas named 'Huerta recovery place' and the 'Huerta recovery sector'. These areas are usually border zones between urban land and protected land. The law establishes a special management system for these areas.

The 'recovery places' are little geographic zones, usually on urban edges, with dilapidated buildings and sealed soil. In these zones, the law establishes a special treatment: building rights are recognized for all the plots but accumulating the building in a part of the area and recovering at least 2/3 of the surface for agricultural cultivation. It is a system to design the urban areas on its edges with agricultural land.

The 'recovery sectors' are geographic areas, usually also on urban edges, but larger than the previous ones where there are dilapidated buildings and degraded agricultural land. In these areas, it is expected to accumulate the building in 1/3 of the surface and allocate the other 2/3 to crops in plots that are assigned to the owners who are beneficiaries of the 'reparcelling' project (project to change initial plots of an area to new building plots with other design). The law foresees an agricultural leases system in case the owners do not cultivate the land.

3.5 L'Horta council

It is one of the key pieces for the management of the peri-urban agricultural space. This council is conceived as an entity manager assigned to the Regional Ministry with competencies in agriculture. The council has the legal form of consortium with autonomy to take initiatives and actions and manage its own assets for the fulfillment of its purposes.

The council has a wide range of functions, among which highlight the followings:

- Elaborate the agrarian development plan.
- Acquire or lease land (for example, to cultivate).
- Obtain economic resources and manage them (for example, from the European Union).
- Mediation to facilitate transfer of agricultural uses land or lease agricultural parcels. Manage a land bank to agricultural uses.
- Manage the quality brands of products in the area.
- Manage a rural guards service.
- Maintenance of roads and ditches.
- Agricultural professional training.
- Agricultural research and development.
- Prepare mandatory and binding reports on actions in the field of L'Horta.
- Establish collaboration agreements with other entities.
- Perceive and manage fees.

The L'Horta Council is an essential entity for the promotion of agricultural activity and the maintenance of the historical landscape. It must act as a catalyst and promote all those actions of all kinds that help a more competitive agricultural activity while maintaining its own landscape within the framework of a globalized economy.

3.6 The agrarian development plan

It is another of the key elements because of agricultural production cannot reach its optimum based solely on the individual action of farmers. A global vision is necessary and to design and execute key strategic actions. The L'Horta Council has the competence to elaborate the plan that today is drawing up.

The plan has among its main objectives the followings:

- The improvement of agricultural infrastructure, such as irrigation networks and roads, and rural security.
- The professionalization and improvement of the viability and profitability of agricultural holdings.
- The improvement of quality productions, including quality brands, consumption, proximity, agro-ecology, sustainability, the use of local varieties.
- The improvement and implementation of marketing and distribution networks, the promotion of short marketing channels or direct sales from farmers.
- The diversification of agricultural incomes through the rational and limited implementation of complementary uses and activities compatible with the main agricultural activity.
- The mechanisms of management and intermediation of huerta lands, destined, in a special way, towards people who dedicate themselves to agriculture professionally, with preference to young people and women.
- Generational shift.
- The development of hiring formulas such as the land stewardship contracts, payment for environmental services, agreements or others.
- The proposal and design of measures for public and recreational use.
- The social and environmental visibility of the Huerta de Valencia.
- The creation of cooperation networks with other territories with similar problems.
- Any other of those foreseen in the objectives of this law and in the territorial action plan that develops it.

The role of this plan is very important and, obviously, as a general idea, must address the agricultural activity to sustainable and ecological way using new technologies and marketing criteria as sales by internet in a global market or guarantee the food sovereignty. All this implies new challenges and the recovery of farmer's role.

3.7 Inventory of professional agricultural holdings

Finally, the law regulates the inventory of professional agricultural holdings as a particular case of the General Registry of Agricultural Production. The L'Horta Council manages this inventory. The objective is to have a list of professional farmers to access, if necessary, processes of leasing abandoned lands or lands whose owners have no interest in cultivating and which are included in the Land Bank. The Land Bank thus becomes an instrument to maintain the land under cultivation that is also managed by the L'Horta Council.

4 CONCLUSIONS

The law of L'Horta establishes an innovative regulation for the management of peri-urban agricultural spaces with environmental and landscape values in a metropolitan area. Its contents are the result of a long process of collective maturation of society and of the different disciplines that participate in one way or another in the planning and management of this space.

The strategical actions include a set of strong elements: the development of a spatial planning plan, the creation of a management entity with economic management capacity that has a global vision of the problems and can develop strategic actions in the long term and the development of an agrarian development plan. All this is completed by a series of complementary measures to facilitate the achievement of the objectives of the law.

The law with the territorial plan and the agrarian plan mark the beginning of a new way to understand the territorial management of a metropolitan agricultural land.

ACKNOWLEDGEMENTS

The present work summarises a law that is the result of the work of a large number of stakeholders of the Valencian society. I consider it fair to recognize the continued effort of everyone in general because the result is a collective work of the Valencian people.

In particular, without wanting to be exhaustive and apologizing for persons or organizations not named because of material impossibility, the author wishes to thank the participation of stakeholders who have kept hope alive for many years as the farmer's union *Unió de Llauradors i Ramaders del País Valencià* or the non-governmental organization *Per L'Horta* among many others.

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