

THE SPECIAL PROTECTION PLAN FOR THE HISTORIC 'CIUTAT VELLA' DISTRICT (VALENCIA, SPAIN). A NEW TOOL TO APPROACH HERITAGE ENHANCEMENT AND MANAGEMENT

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ABSTRACT

The Special Protection Plan for the historic district of the city of Valencia is a heritage and urban-use planning tool proposed by the City Council to protect the historic centre called the 'Ciutat Vella' (officially known as District 1). This district was designated as a Cultural Asset of National Interest (BIC in Spanish) by the Decree passed by the Valencian Government (Generalitat Valenciana) in May 1993.

This Special Protection Plan is a tool that unifies and adapts several urban planning and heritage rules in a single recast instrument. It will replace the five existing Special Protection and Inner-city Regeneration Plans (PEPRI in Spanish) for El Carmen, Velluters, Mercat, Seu-Xerea and Universitat-San Francesc, as well as those Special Protection Plans for the Buffer areas applied to the Cultural Assets of National Interest (PEP-EBIC in Spanish) of District 1.

This paper analyses this protection, enhancement and management tool. The methodology for this study is based on a bibliographic review of the legal documents and the Plan itself. Likewise, consultations and interviews have been carried out with experts. In addition, field research consisting in visits to the district affected by the Plan has been conducted in order to identify the existing problems on-site.

The results point out the more innovative aspects, such as: a) codifying all the heritage and urban planning legislative instruments applicable to District 1 in a single text, under the same legal standards; b) updating the current state patrimonial and urban legal

system in accordance with the Valencian legislation in force; c) recognising and regulating the urban uses according to the current social situation, paying special attention to the residential and tertiary uses; and d) the enhancement and management of the architectural, urban and landscape heritage of this historic centre.

KEYWORDS

Historic centre; heritage; urban planning; legal management tools.

INTRODUCTION AND OBJECTIVES

As a heritage element, in the 20th century, sites of historic interest were addressed in numerous international treaties and conventions that highlight their value and the need for their legal protection and proper management. Examples include the Athens Charter (1931), the United Nations Conference (1962), the Venice Charter (1964), the UNESCO World Heritage Convention (1972), the Amsterdam Declaration (1975) and the Nairobi Declaration (1976), among others. Such agreements have allowed specific criteria to be consolidated and unified for application around the world. At the Spanish regulatory level, historic city centres are also considered heritage elements and can therefore be granted legal protection. Due to their double condition as a heritage element and an urban ensemble, both heritage and urban planning regulations are applicable for their protection.

The aim of this work is to analyse the successive urban planning and heritage administration instruments applied to the historic city centre of València that have led to the current regulations, which are set out in the Special Protection Plan (Plan de Especial Protección – PEP) for the “Ciutat Vella” of València that was approved on 26 February 2020. From the methodological point of view, the present work is based on the review of normative documents and specialised literature, but it also examines the current regulations and the proposals included in the Special Protection Plan for the “Ciutat Vella” of València. Likewise, consultations and interviews have been carried out with experts. In addition, field research has been conducted, consisting in visits to the district affected by the Plan, in order to identify the problems that currently exist on-site.

1. REGULATORY BACKGROUND

In this section, we will review the history of the heritage protection and urban planning in District 1, “Ciutat Vella” of València. Prior to the approval of the Spanish Constitution in 1978, the first glimpses of the legal treatment of heritage can be found in the Municipal Works Statute and Regulations (*Estatuto y Reglamento de Obras Municipales*) of 1924, the 1926 Decree governing the Protection, Conservation and Growth of Artistic Assets (*Decreto de 1926 sobre Protección, Conservación y Acrecimiento de la Riqueza Artística*), and the National Historic Heritage Law (*Ley Nacional de Patrimonio Histórico*) of 13 May 1933. In relation to urban planning regulations, there is the Land Act (*Ley del Suelo*) of 1956, which mentions the Special Plans (*Planes Especiales*) that were intended to protect historic and artistic sites and ensembles, and also the Inner-city Regeneration Plans

(*Planes de Reforma Interior – PERI*). This state regulation also mentioned that it could

“lay down special rules for the cataloguing, conservation, restoration and improvement of buildings or urban ensembles and of natural elements or spaces, and establishes the limitation of uses or the facilities incompatible with their nature”.

Cataloguing was declared mandatory and the PERI had to

“contain a comprehensive study of the social and economic consequences of their implementation, justifying the existence of the means needed to carry it out and adopting the necessary measures to ensure that the interests of the population are defended”.

In addition, the law took into consideration the harmony of the sites and proposed that *“the constructions should be adapted to the environment in which they are located”.*

Under these regulations, various specific assets and sites were declared to be of cultural interest, simply on the basis of their exceptional nature, their historical and artistic value being crucial in this respect, as is the case in València of the Lonja de Mercaderes (BOE 04/06/31), Baños del Almirante (BOE 16/02/44), Atarazanas-Grao (BOE 24/11/49), and Edificio del Antiguo Almuñín (BOE 01/04/69), among others.

Article 46 of the Spanish Constitution of 1978 establishes the obligation of the public authorities to guarantee *“the preservation and promote the enrichment of the historic, cultural and artistic heritage of the peoples of Spain”*, as well as *“of the property of which it consists, whatsoever its legal status and to whomsoever it may belong”.* Thus, in response to this constitutional mandate, the Spanish Historical Heritage Law was passed in 1985, followed by the 1992 Land Law.

The first of these two laws establishes the concept of Cultural Asset of National

Interest (*Bien de Interés Cultural – BIC*) with different categories for those elements that are recognised as having the most relevant historical, artistic and cultural value (Casar Furió, 2009). It also introduces the obligation for local councils to develop a Special Protection Plan to guarantee the conservation of the assets, in accordance with its Art. 20.1:

“declaring a Site of Historic Interest, Historical Site or Archaeological Zone as Cultural Assets of Interest will determine the obligation of the Municipality or Municipalities in which they are located to draw up a Special Protection Plan for the area affected by the declaration or some other planning instrument of those provided for in the legislation on town planning that, in any case, fulfils the requirements set out in this Law”.

This period coincides with an awareness of the importance of European sites of historical interest, as at that time many of them were in a state of deterioration and abandonment. The first major attempt to enhance the value of València’s historic city centre was carried out in 1984. In that year, a set of Special Protection Plans were approved en bloc for the “Ciutat Vella” District. District 1 “Ciutat Vella” is the administrative denomination currently used to refer to the historic city centre of València. These municipal plans developed the 1966 General Urban Development Plan (*Plan General de Ordenación Urbana – PGOU*), regulated by new state legislation (Revised Text of the 1976 Land Act and its regulatory development). These were plans with very ambitious objectives that basically referred to

“the maintenance of the road network with the generalised elimination of large operations involving the opening of new thoroughfares except for just a few cases that were deemed necessary; the maintenance of architectural typologies and urban scenes; the definition of

road traffic proposals suited to the area with the progressive incorporation of pedestrian routes; the reinforcing of the residential attitude and the maintenance of the existing social structure with restrictions on the tertiary uses derived from traffic; the establishment of public facilities compatible with the historical urban structure”.

However, they were in fact a set of plans that were little more than just a declaration of intent.

In addition to this planning drawn up in 1984, the Inner-city Regeneration Programme of the old riverbed of the River Túria (*PERI del Jardín del Túria*), published in the Official Gazette of the Province on 11 October 1984, placed special emphasis on the city’s urban landscape. Subsequently, a new PGOU for València was approved in December 1988. The implementation of this plan included the introduction of the planning instrument called the Special Protection and Inner-city Regeneration Plan (*Plan Especial de Protección y Reforma Interior – PEPRI*). This tool is similar to the previous special protection plans, but takes into account the heritage element in urban planning and also deals with inner-city reformation (decongestion, creation of urban provisions, community facilities, cleaning up unhealthy neighbourhoods, circulation, improvement of the environment or public services, etc.). Thus, between 1990 and 1993, the PEPRI for El Carmen (1991); Velluters (1992), Universitat-Sant Francesc (1992); Seu-Xerea (1992) and Mercat (1993) were approved, still in accordance with the State Revised Text of the 1976 Land Act and the implementation of the València General Urban Development Plan of 1988.

Shortly afterwards, in 1993, the historic city centre of València was declared a Cultural Asset of National Interest (BIC in Spanish) in the “Site of historic interest” category, in accordance with the Spanish Historic

Heritage Law (*Ley de Patrimonio Histórico Español*) of 1985.

The implementation of the aforementioned PEPRI raised expectations in view of the obvious ineffectiveness of the 1984 PEPs that they were replacing, which had not achieved any structuring actions or management models that would allow these tools to be considered really effective (Gaja Díaz et al., 2001). These PEPRI of the 1990s generally advocated the conservation of the urban fabric and selective “sponging” (selective demolition of buildings in dense, historical urban environments to make way for public spaces or rights-of-way of some sort), with the introduction of management techniques such as expropriation.

During these years, moreover, certain competences in the 1978 Constitution were transferred to the Autonomous Communities. As a result, the Valencia Region passed its Law Regulating Valencian Urban Development Activity (*Ley Reguladora de la Actividad Urbanística Valenciana*) in 1994 and the Valencian Cultural Heritage Law (*Ley de Patrimonio Cultural Valenciano*) in 1998. These regional regulations reinforced the joint treatment of the heritage element in urban planning (Casar Furió, 2008).

With the new State 1992 Land Law and Valencian regulations (Law Regulating Valencian Urban Development Activity in 1994 and the Valencian Cultural Heritage Law in 1998) and the declaration of the historic city centre as a BIC (1993), the need arose to standardise all the regulations. Consequently, for the development and execution of the urban planning of the “Site of Historic Interest of the city of València”, a series of framework collaboration agreements were entered into between the Generalitat Valenciana and the City Council of Valencia. The first agreement was the Plan of Integral Rehabilitation of València Antigua (RIVA 1992-1997), signed on 16 June 1992, for the intervention on the historic centre. Thus, a new stakeholder is introduced into

the historic city, in addition to requiring the supervision of the Department of Culture and the Department of Urban Planning of the Generalitat Valenciana, along with the City Council itself for these interventions (VVAA, 1999).

For the implementation and management of the provisions of this agreement, the management offices of the València City Council were created (València Antiga S.A.) and the RIVA Offices on the part of the Generalitat Valenciana, both with a specific budget allocation for the rehabilitation of the historic city centre (Jimenez Alcañiz, 2000). These were mixed public-private initiatives, focused on redeveloping and re-qualifying the uses of urban spaces, improving the economic and commercial fabric, and providing social and cultural facilities. By so doing the aim was to rehabilitate neighbourhoods that were, at the time, very run-down and both the resident population and commerce were undergoing a sharp decline. The biggest problem in the implementation of this agreement was its high economic cost; so funding was insufficient and many goals were eventually not accomplished. However, the living conditions and quality of life in these city centre neighbourhoods improved substantially, leading to economic, heritage and cultural revitalisation, so that a certain recovery of demographics and local identity was achieved, and they also started to become a focal point for tourists.

Following this beginning, in the 21th century, the historic centre of Valencia firmly established its status as a cultural and tourist district thanks to the promotion of trade and the hospitality industry and enhancement of heritage buildings that were acting as cultural attractions or containers and institutional administrative headquarters.

However, these PEPRI of the 1990s proved to be equally insufficient and ineffective (Gaja Díaz, et al., 2010). Therefore, in order to resolve the discrepancies that arose in

relation to urban planning interventions and heritage protection measures, in 1994 another framework collaboration agreement was signed between the Department of Culture of the Generalitat Valenciana and the City Council of València for the development and execution of the urban planning of the site of historic interest.

In the 21st century and within the legal-technical framework of the Valencian Autonomous Community, numerous urban planning regulations have been approved and modifications have been made to the Valencian Cultural Heritage Law, including the figure of "Cultural Asset of Local Interest" (*Bien de Relevancia Local Valenciano* – BRL) and subsequent independent regulation (Decree 62/2011, of 20 May, issued by the Consell regulating the declaration procedure and the regime of protection of Cultural Assets of Local Interest).

To overcome the shortcomings of the Spanish Historical Heritage Law as regards the Buffer areas of the BICs, the Valencian Cultural Heritage Law develops criteria to define them (Casar Furió and Taberner, 2010). For this reason, the Special Protection Plans for the Buffer areas of Cultural Assets of Interest (EBIC) were expressly provided for, as stated in Art. 39.3. Thus, a Special Protection Plan for the Buffer area of the Cultural Assets of Interest (PEP-EBIC 06-07) was approved to regulate the heritage, urban planning and landscaping aspects of 29 monuments in the city centre area. The Special Protection Plan (PEP-EBIC 08) was also approved for the Buffer areas of the Cultural Assets of Interest of the Puerta de Serranos, Iglesia y Convento de Santo Domingo, Museo de Bellas Artes, Monasterio del Temple, Palacio de Justicia y Ex-convento del Carmen e Iglesia de la Santa Cruz. They were finally approved in 2016.

Thus, these were the last legal-technical precedents before the approval of the current Special Protection Plan for the "Ciutat Vella".

2. THE SPECIAL PROTECTION PLAN FOR THE "CIUTAT VELLA"

The Special Protection Plan (PEP) for the "Ciutat Vella" of València derives from the 1998 Valencian Cultural Heritage Law which, in imitation of the National Heritage Law, establishes the obligation for municipalities in which a BIC is declared a "Historic Site" to carry out a Special Protection Plan (Taberner, 2016) for it. On the other hand, Art. 43 of the current Valencian urban planning regulations, which are the Law on Land Use, Urban Planning and Landscape (*Ley de Ordenación del Territorio, Urbanismo y Paisaje*) of 2014, with its modification in 2019, also includes the Special Protection Plan as an instrument of heritage management. This Law refers to the Valencian Cultural Heritage Law of 1998 (Arts. 34 and 39) to provide content for the regulation of this plan (Casar Furió, 2008). Therefore, the City Council of València detected the need for an urban plan that contemplates an adaptation of the state and regional regulations and, at the same time, combines the legal aims regarding urban planning and heritage to achieve coherence and sustainability in its management. Hence, the Special Protection Plan for the "Ciutat Vella" of València was finally approved on 13 February 2020 (BOP, no. 39, supplement, announcement of approval, 26/02/2020), its scope being the current District 1, which includes the districts of La Seu, El Mercat, El Pilar, El Carme, La Xerea and Sant Francesc (Fig. 1). This Plan will replace all previous regulations governing the historic centre. The initial diagnosis for drafting the Special Protection Plan for the "Ciutat Vella" of València (Esteve, 2020) was based on the need to:

CULTURAL ASSETS OF NATIONAL INTEREST
Valencia | District 01



Figure 1. District 1 "Ciutat Vella" of the city of Valencia. Location of the neighbourhoods and the main Cultural Assets of National Interest (BIC).

- Update and rewrite the current plan
- Review and update the planning standards in order to guarantee a minimum level of quality in the urban planning actions that are carried out
- Recover deteriorated areas
- Conserve and enhance the value of cultural heritage
- Recover the residential fabric and the quality of housing
- Establish sustainable management of District 1 on an environmental, social and economic level
- Coordinate these actions with the current Municipal Urban Mobility Plan
- Activate and revitalise uses and activities in the neighbourhoods that make up District 1.

This Plan was developed within the framework of a broad process of public participation implemented in four phases (from October 2016 to November 2019), and taking into consideration the phenomenon of "touristification" that had been affecting the district's neighbourhoods for some time. With regard to the updating and recasting of the current plans, it should be underlined that the Special Protection Plan will involve the homogenisation of criteria as a result of the need to adapt and unify the planning of "Ciutat Vella", which is characterised by having been regulated in a dispersed way for more than 20 years. Thus, at present, a single document brings together all the urban planning determinations of the historic urban landscape of District 1 of the city of Valencia.

In addition, this Special Protection Plan applies to a wider area as it includes the former riverbed of the River Túria, from the Puente de las Artes to the Puente de la Exposición. On the other hand, it takes into consideration the determinations of the Sustainable Urban Mobility Plan (Plan de Movilidad Urbana Sostenible) of the city of València (2013) in relation to the urban layout, the accessibility and parking of vehicles and the pedestrian routes. The Plan thus addresses mobility as a binding determination of the planning, which tends towards facilitating the full pedestrianisation of the city centre and the use of bicycles.

With respect to the quality of the urban development actions, the Plan is oriented towards preserving the historical site, and considers the public space a priority scenario in the social life of the citizens. It was assumed that the public spaces were executed with low quality in this district (Esteve, 2020); for this reason great attention is paid to "neighbourhood or proximity facilities", as opposed to the large facilities "at the city level". It also complies with the Strategic Housing Plan of the city of València (*Plan Estratégico de la Vivienda de la ciudad de València*), approved in December 2017 for the period 2017-2021, which includes the social housing policy and social housing rental assistance in the historic centre. Moreover, according to the justification report of PEP 2020, the aim is give preference to adapting the use of provisions to meet residential needs, by promoting educational-teaching facilities, among others.

In this Special Protection Plan, cultural heritage is considered a crucial identity landmark of society and more than 2,000 heritage elements (cultural, natural and scenic) have been catalogued as protected, including BIC, BRL and new elements. It is important to point out that the Legal Register of Protections (*Catálogo de Protecciones*), as an annex to the Special Plan, includes for the first time in València, with a specific regulation within the plan itself, the protection of modern 20th century architecture. Thus, it includes

elements from the DOCOMOMO Ibérico Register (Documentation and Conservation of buildings, sites and neighbourhoods of the Modern Movement).

Also relevant is the regulation that the Plan proposes for the subzone of the city, established in the detailed ordinance, called "Trama Histórica" (Historical Layout) where, as regards new buildings, it suggests particular building ordinances related to respect for and dialogue with the inherited scenarios and the traditional typologies, in close harmony with the old buildings.

On the other hand, one of the main challenges of this Special Protection Plan is the recovery of the population and the residential fabric before the advance of the tertiary use of the historic city centre, especially tertiary by the hospitality trade. Prior to 2018, there was a high demand in the city for exclusive tertiary licences for protected buildings in the historic centre (Ayora, 2019). In this way, the limitation and regulation of tertiary uses in the residential areas of the district are addressed based on checking the growth in the number of tourist apartments, among other measures. The Plan also assumes the regulation of tourist uses, achieved with the urban planning technique of zoning. Thus, it proposes a new tertiary use, called "Tourist Housing", with two modalities, the so-called "V1 Tourist Housing", which is admitted within the area of residential classification as compatible, and the so-called "V2 Tourist Housing", which is admitted as a building for exclusive use in the predominantly tertiary areas, both cases subject to certain requirements and in accordance with the regulations on urban planning stipulated in the Plan.

It seems that a lot of attention is going to be focused on the issue of the tertiarisation and the "touristification" of the historic centre in the near future, because since the Plan was drawn up until now, the growth forecasts for the tertiary sector have already exceeded the estimates made.

CONCLUSIONS

- As final considerations, it can be noted that:
- The Special Protection Plan for the "Ciutat Vella" of València constitutes a great regulatory advance due to the fact that a single urban planning instrument for a historical complex includes and homogenises State, regional, heritage and urban planning regulations regarding its organisation and management.
 - It is a widely debated social document, implemented within a broad framework of public participation. It has gone through four phases of public participation where the allegations made have been taken into account at all times throughout the process. However, we believe that amendments made in 2019 to the Valencian Law on Land Use, Urban Planning and Landscape have made the current regulations more accurate (closer citizen participation in the public participation provided for in Art. 49 bis) since, for the first time, the Valencian legislator provides for public consultation before drawing up the first draft of the Plan.
 - The Plan has a highly protectionist vision as regards heritage; it presents a large number of protected assets, which will make it a complex management challenge.
 - It is a tool that was intended for public use from the outset, with regulation of uses bearing in mind residential use as a priority (it protects residential use in the majority of buildings in the centre; the constructed floor area of non-residential premises is limited; a transitory system is implemented for occasional tourist housing). However, this is a challenge because it is anticipated that it will be difficult to attract a stable population on a permanent basis.
 - One of the great challenges of this Plan will be to manage the restriction on tertiary use, which today, shortly after the approval of the Plan, is already exceeding the growth forecasts.

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