



Up for Grabs

Joanna Styles reports from the front in the Valencia land war

How does losing nearly half your land and having to pay €52,000 for the privilege sound? Or finding that there are plans for a road to run between your house and pool, and for a roundabout at the end of your garden and that your bill for this is €150,000? And what about having to choose between most of your plot being carved up plus paying €225,000 for development costs or selling your entire property for the price of €20 per square metre?

The expression “being between a rock and hard place” is more than appropriate for all these true stories, which are just a tiny sample of what has happened to thousands of property owners in the region of Valencia, home to one of Spain’s most popular and populated *costas*, the Costa Blanca.

The now infamous Valencian Urban Development Law, known in Spanish as the LRAU (Ley Reguladora de Actividad Urbanística) and by those affected by it as the “Land Grab”, has been the centre of a highly-publicised dispute between developers and town councils on the one hand, and thousands of property owners on the other.

The LRAU was introduced by the Valencian authorities in 1994 in an attempt to force large landowners to participate in development projects within a municipality to allow infrastructure, green areas and public services such as schools and hospitals. In the

city of Valencia, the plan has worked well with some suburbs benefiting hugely, but in many other places within the autonomous region, it’s a different story, particularly when it comes to the Costa Blanca. Here, the LRAU has been systematically abused by corrupt local authorities and developers who have made millions of euros by developing rural land (often owned by private homeowners) for villas, townhouses and golf courses, all of which offer little (if any) public benefit.

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Most countries have compulsory purchase laws – such as Compulsory Purchase Order in the UK – but few, if any, have applied the

State’s right to buy private land in quite the way seen in the Comunitat Valenciana. In the words of Charles Svoboda, founder and vice-president of the pressure group, Abusos Urbanísticos NO (AUN), the LRAU is “Spanish compulsory purchase on steroids”, a view shared by the European Parliament.

Tales of homes bulldozed to make way for roundabouts, forced payouts to the tune of thousands and the destruction of rural landscapes are outrageous in themselves, but perhaps the most scandalous aspect of the LRAU is that so far, very few of the affected owners has managed to save their land and property, obtain adequate compensation or a court sentence in their favour. As Svoboda says: “The LRAU is an easy law to exploit, but it makes it almost impossible for small property owners to defend themselves.”

AUN is probably one of the biggest pressure groups in Spain. With over 30,000 members and affiliates in the Comunitat Valenciana and about to take the plunge and go nationwide, the group’s aims are to protect the small property owner and to stop abuse of the environment. Since its formation in 2003, AUN has come a long way and is perhaps now the loudest voice against the wave of uncontrolled property development that has swept the Spanish coasts and islands, and the corruption that goes with it. Until AUN raised its voice, corruption associated with development in Spain was seen but not heard. It’s now in the press almost daily.

“When we helped to lift the lid on the corruption issue”, says Svoboda, “it was like opening Pandora’s box.”

Acutely aware of the lack of response that the Spanish justice system could (or would) provide, AUN decided the only way forward was to take their cause to higher levels. And they certainly aimed high – the Valencian land grab issues are currently the subject of a third European Parliament report. Findings from the report are due to be brought before the entire European Parliament in March this year. Furthermore, the organisation has also succeeded in having the European Commission bring an infringement case against the LRAU in the European Court of Justice. Convinced that the only way to lodge a successful case against the corruption was to go over Spanish heads, the organisation has also gone to the European Court of Human Rights to denounce the LRAU.

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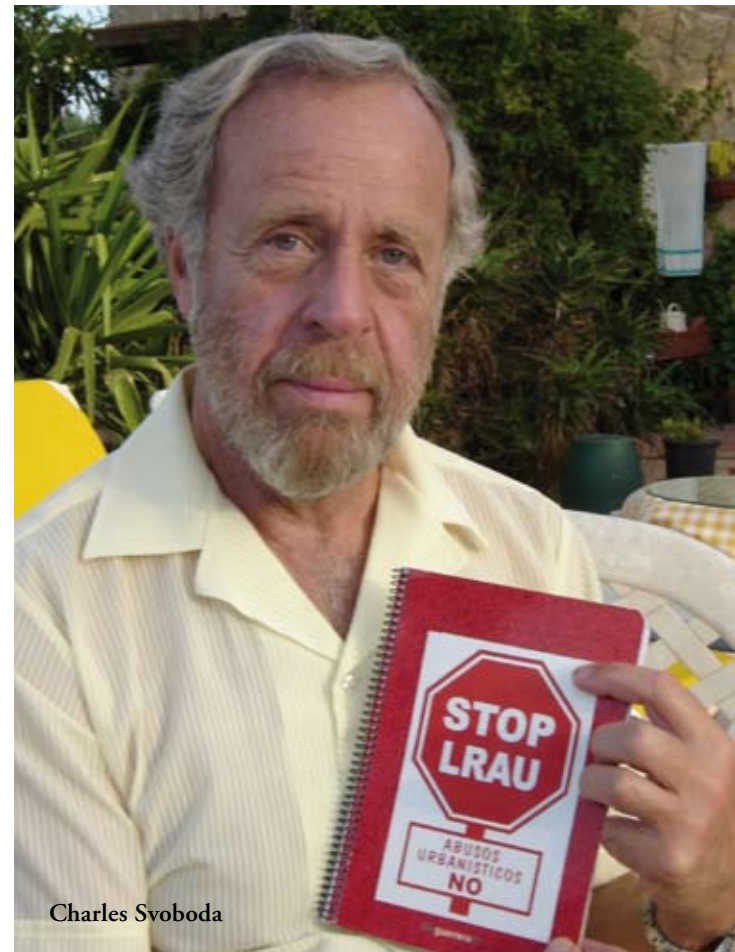
According to Svoboda, EU pressure has been fundamental in forcing the Valencian government to redraft the LRAU, although according to AUN, the new law (LUV – Ley Urbanística Valenciana) is merely a cosmetic replacement and still aims to help developers make fortunes rather than to protect the small property owner. EU pressure may yet reap rewards and Spain may be forced to bring its legal system in line with EU directives, an outcome that would be more than just compensation for the tireless work and effort that AUN have put into denouncing the malpractice of Spanish property law. Unfortunately, any outcome will arrive too late for the thousands of property owners who have lost all or part of the property and a large part of their



investment. However, as the Spanish and English both say, better late than never.

Meanwhile, AUN is spreading its wings. Conscious that the problems created by greedy developers and unscrupulous councillors are not just confined to the Comunitat Valenciana, AUN is establishing a nationwide organisation with similar objectives to its own. In its new role, AUN hopes to provide a voice for all small property owners in Spain who have become unwitting victims of the whims of regional planning laws. Andalucía is, not surprisingly, one of the main sources of potential members – its long list of corruption-scarred resorts (Marbella, Estepona, Manilva...) and the large numbers of illegal homes built in rural areas while the authorities looked the other way will probably mean AUN’s Andalusian section is one of the largest. Murcia also looks to be high up on the list with the Spanish islands closely behind. But as Svoboda points out, this isn’t just a problem confined to the realms of resorts – AUN will have members in Cantabria, Navarra, Catalunya and Madrid and eventually probably none of Spain’s 17 autonomous regions will be missing from the list. Meanwhile, Spain continues to slump into its worst property recession for more than a decade. But that’s another story.

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Charles Svoboda