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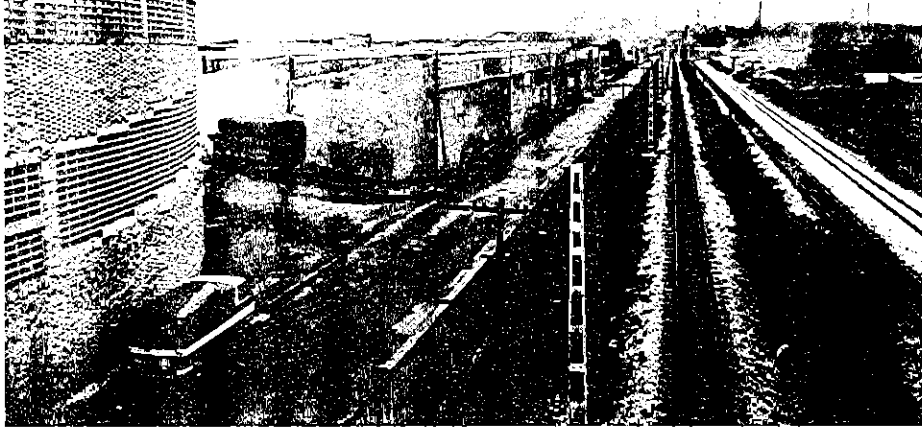
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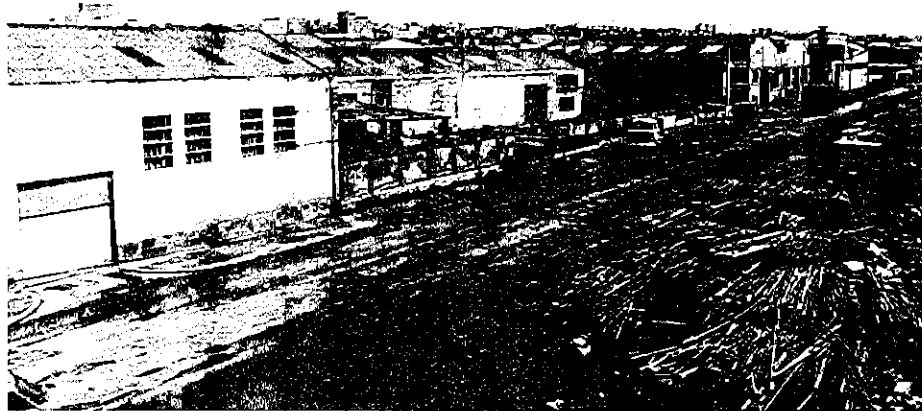
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The Port Service Area. Santander, looking west from the bridge crossing the Santander-Bilbao railway. Development to the left of the railway line is in land classified as 'permanent open space' in the Santander Sub-Regional Plan.

Photo: M. G. Wynn



Dique C Street in the south of the Port Service Area. The value of available (if crude) parking and loading/unloading facilities is obvious. Note also the walled storage area in the centre middle-ground of the photo, revealing the problems faced by the municipal authorities in determining what exactly necessitates Building Permit authorization in an area of essentially storage and distribution industry.

Photo: M. G. Wynn

The Port Service Area Project, Santander: Central State and Local Authority Intervention in the Planning and Development of a Port-Side Industrial Zone*

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Introductory

Urban planning in Spain is currently undergoing a period of critical self-examination in a phase of political transition in the country's history. The Franco era of central state repression is over, a new democratic age of political devolution has just begun. Newly elected local authorities are now embarking on urban investment and reform programmes after almost 40 years of powerless inactivity, collusion and corruption¹ in the sphere of urban management.

This case study examines the planning and development of a port-side industrial zone in the Franco era in Santander (where until now, urban planning studies have been limited indeed²), and outlines the major features of central and local authority intervention in the area, which may be of value and interest to planners and politicians working in similar politico-administrative situations in Spain and elsewhere in the developed and developing world.

The Area

Santander, with a population of some 150,000,³ lies to the north of the Santander Bay, separated from the Atlantic by a series of low ridges which back the city. Over the past two decades, expansion of the port facilities has been

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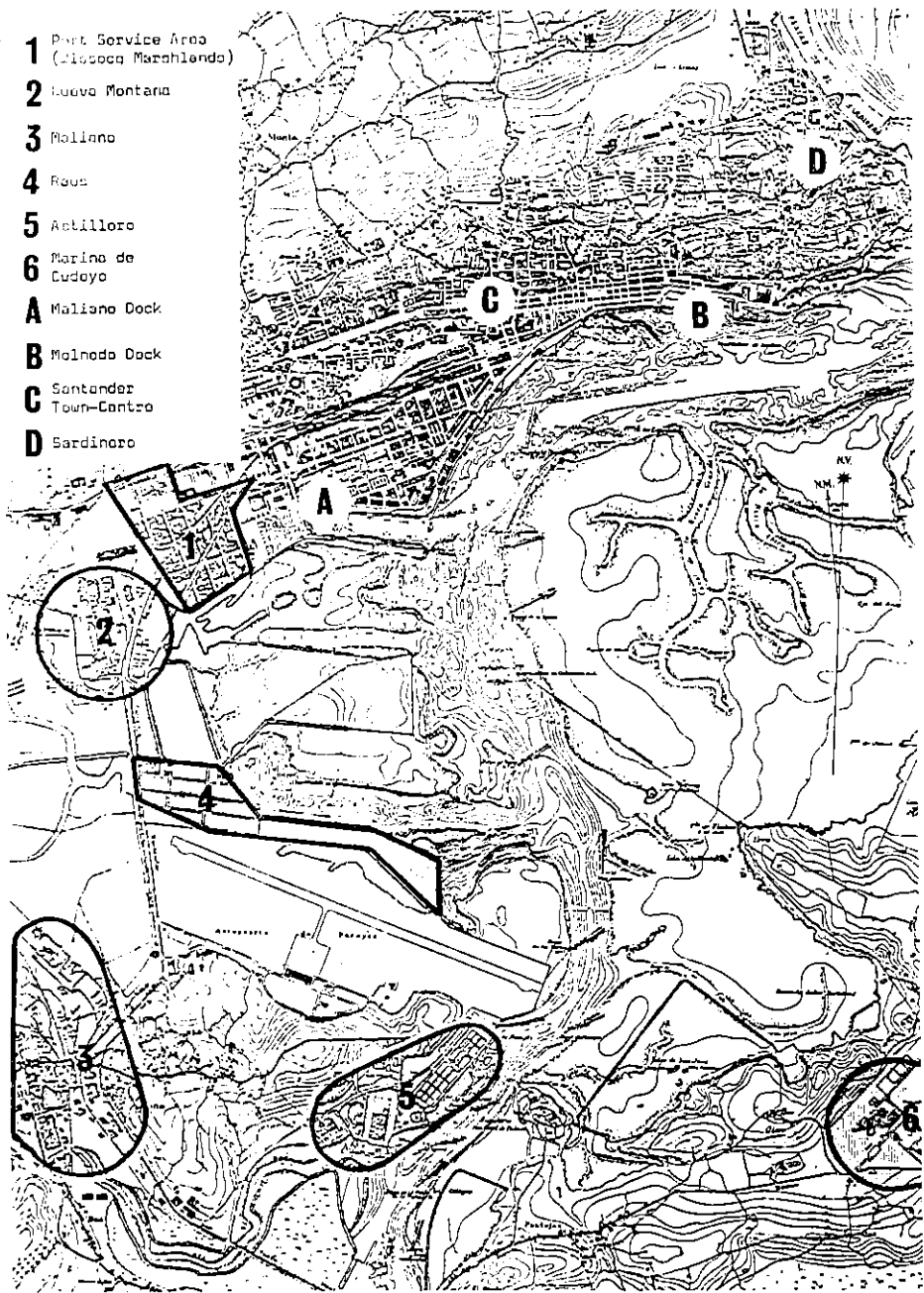


Figure 1. The Santander Bay 1977, showing major areas of industrial development in the Bay area.

one of the major features of the growth of Santander with total port traffic increasing three-fold over this period.⁴ Whilst heavy industry has been developed to the west and south of the Bay (where access by sea is hampered by shallows) the area to the immediate west of the Maliano Dock has been the principal zone of light manufacturing and warehouse development (Figure 1). This area – known as the Wissocq Marshlands – is the focus of this study which monitors its transformation from empty land in the late 50's to an almost fully developed industrial zone by the mid-70's.

The Planning Context

Work started on the Santander Sub-Regional Plan in the late 1940's, but the Plan did not become executive until its approval by the Madrid Government in 1955. It was drawn up by a special team set up by the Provincial Planning Commission, which included the Santander Council's chief architect, a con-

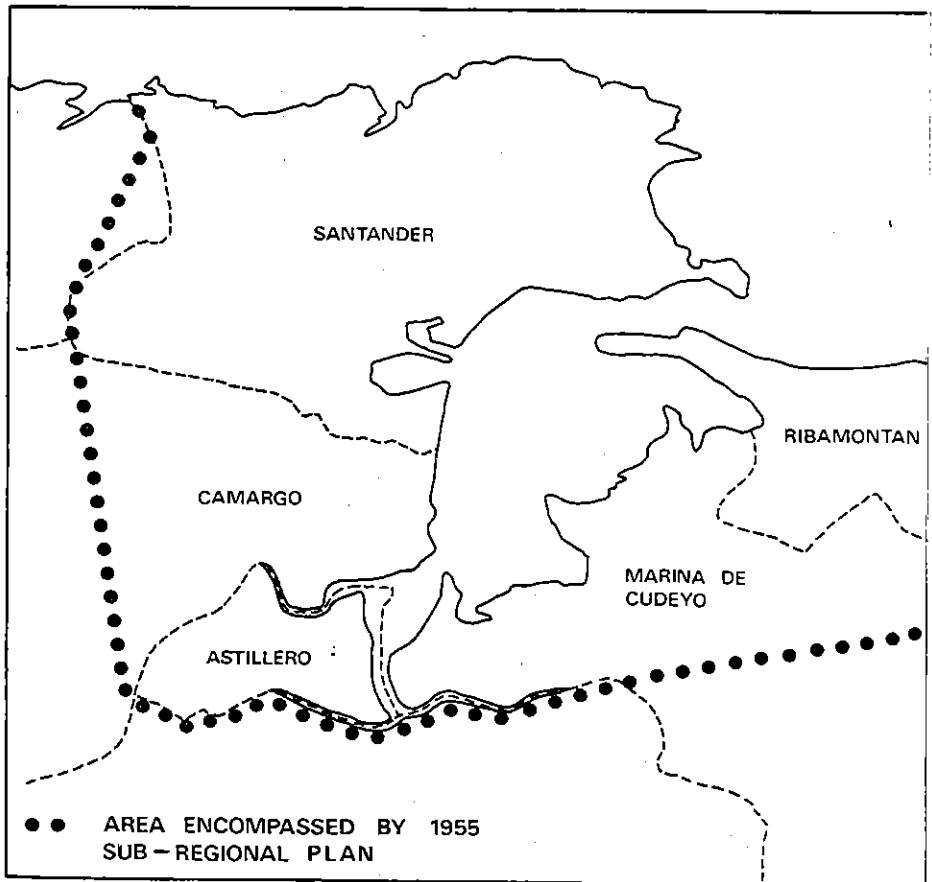


Figure 2. Municipalities included in the Santander Sub-Regional Plan, 1955.

sultant architect, and chief engineers from the Ministry of Public Works and the Santander Port Authority. All affected councils and local authorities were consulted during the plan-making process and their recommendations were given due consideration. The Sub-Regional Plan, which is still in force, was intended to provide the basis for the planning and development of the Santander Bay area until the year 2000. It gave land use classifications to the entire Santander Sub-Region, encompassing the municipalities of Santander, Astillero, Marina de Cudeyo, Camargo and part of Ribamontan, all of which adjoin the bay (Figure 2).

In very general terms, the Plan envisaged the consolidation of the Santander town centre as a mixed residential and service area and the development of the north-eastern coastal strip (Sardinero) as a tourist and up-market residential area. Industrial growth was to be concentrated in three main zones to the west and south of the Bay in Nueva Montana (in the municipality of Santander), Maliano (in the municipality of Camargo; not to be confused with the Maliano Dock) and Astillero, and complemented by new estates of low- and middle-cost housing. Large tracts of the undeveloped coastline to the south of the Bay and on the Atlantic to the north were protected as 'rural areas' of 'permanent open space' with only limited tourist exploitation.

The Wissocq Marshland area was in many ways part of the projected Nueva Montana heavy industrial zone, yet because of its proximity to the Maliano dock, it was ideally located to accommodate lighter port service industry. The area was zoned for 'factory development' around a wedge of 'permanent open space' between the major rail and road links to Bilbao (Figure 3). Within the 'factory development' classification, there were no restrictions on the size or type of industry, but only very limited residential development⁵ was permitted within the 'permanent open space' classification, and it was specifically stated in the Planning Regulations, (approved as a part of the Sub-Regional Plan) that any construction in these green zones required previous approval by the Provincial Planning Commission.⁶ It is also worth noting that the Planning Regulations specified that 'No construction of any kind can be undertaken within the area covered by the Santander Sub-Regional Plan without the prior granting of a Building Permit by the corresponding Council'.⁷

The Santander Port Authority acquire Wissocq Marshland Area

The Wissocq Marshlands are named after a French engineer, Pablo Wissocq, to whom the Ministry of Development leased the area, along with other parts of the Santander Bay, in 1853, on the condition that they be reclaimed from the sea to provide new land for the growth of Santander. Following the failure of Wissocq's company to carry out all the terms of the lease and a series of similarly fruitless agreements between the Government and other lessees, the area officially reverted to State ownership in 1932. In the 50's the area was bought by Fernando Pereda, President of the Santander Port Authority (SPA⁸) who sold off part of the area to CAMPSA, the State owned petroleum company, to pay for indemnity claims by former lessees, following a 1950 appeal court decision which nullified the 1932 state acquisition. At the same

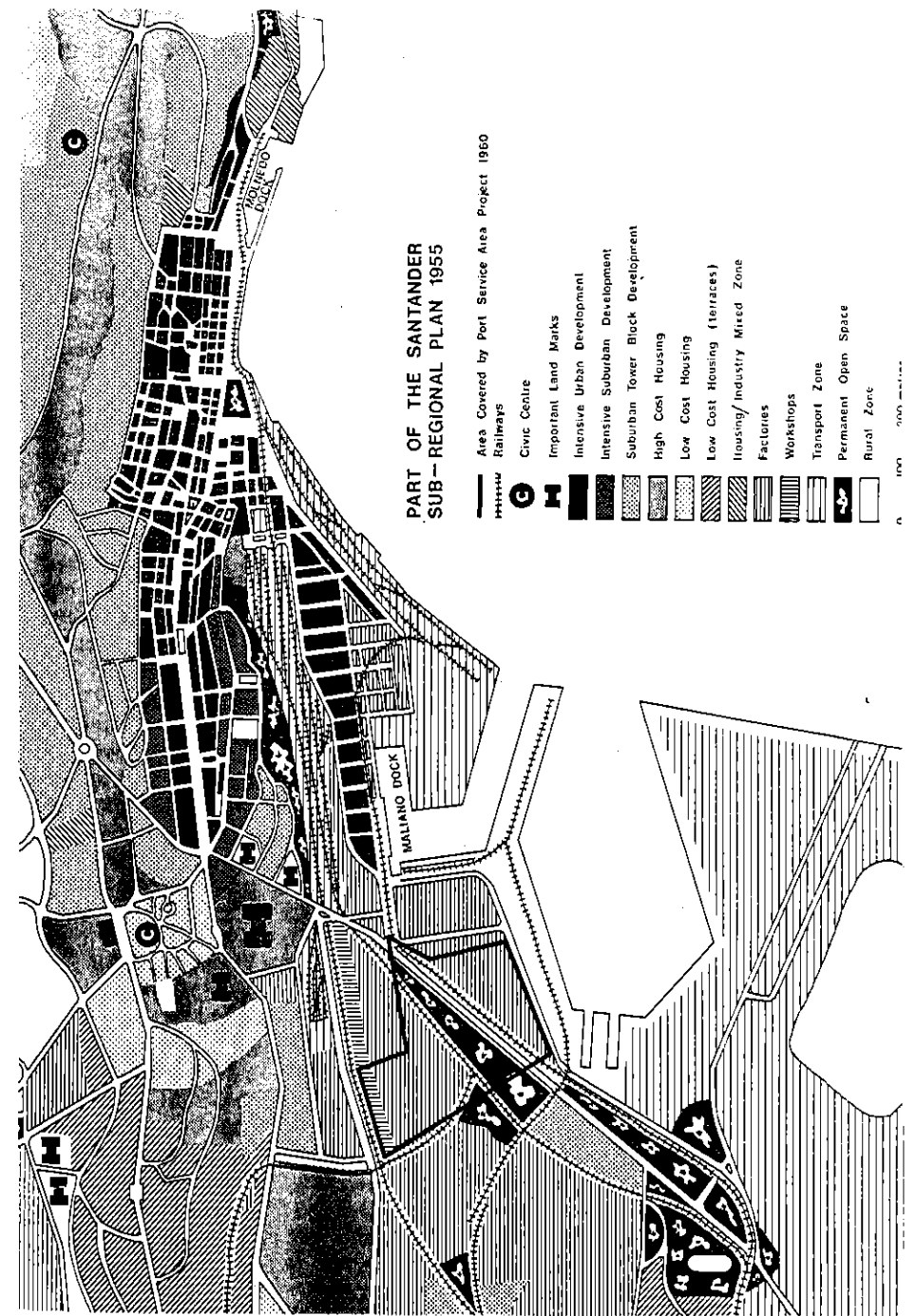


Figure 3. A section of Santander Sub-Regional Plan, 1955.

time Pereda employed a dredging and construction company to infill the marsh area and make it satisfactory for industrial development.

In March 1959, however, Pereda ceded, free of charge, the land remaining in his possession to the State, along with two automatic derricks in the port-side area. The land then passed into the possession of the SPA, so completing a decade of negotiations between Pereda and various State entities.⁹ In the plans that accompanied the official exchange of deeds, the entire ceded area, including land classified as 'permanent open space' in the 1955 Santander Sub-Regional Plan (Figure 3), was earmarked for the expansion of port service industry. It was with this objective in mind that the SPA drew up plans for the development of the area in 1959.

The Port Service Area Project 1960

The official acceptance of the land to the west of the Maliano dock by the State took place in March 1959. By October of the same year the Engineer-Director of the SPA had drawn up a Port Service Area Project in which the recently acquired land was divided into 23 blocks to be used for industrial development around new road infrastructure (Figure 4). Given that the Project included proposals for the development of the area between the Bilbao road and rail links which was zoned as 'permanent open space' in the '55 Sub-Regional Plan, the procedural stages in the approved process of this project are of considerable significance.

The Project was without any precise legal definition.¹⁰ The 1956 Land and Urban Planning Act had introduced a plan approval process that was to be binding for both public and private sectors. Theoretically, the only way the land use classifications of the 1955 Sub-Regional Plan could have been changed was through the drawing up of a 'Local Plan' which, because of the vagueness of the law on the content of these plans, could have officially reclassified the wedge of 'permanent open space' for industrial development. But nowhere was it contended that the Port Service Area project was a 'Local Plan', nor did it follow the statutorily required legal course for such a plan.¹¹

However, the SPA did send the project to the Provincial Directorate of Ports, the Cantabrian and Santander-Bilbao Railway companies, the High Seas Military Command, the Provincial Office of the Ministry of Housing and the Santander Council, asking for reports on the Project. Whilst the Railway companies asked for certain assurances regarding the fencing off of the railway areas, all the other authorities reported favourably on the Project. The Council's decision to raise 'no objection to the project'¹² was perhaps surprising considering their statutorily assigned role of enforcing the Sub-Regional Plan. But perhaps of greatest significance was the report of the Provincial Office of the Ministry of Housing. The Urban Planning Department of this authority reported that, 'The area covered by the said project includes land classified as green zone in the Santander Sub-Regional Plan; the disappearance of this zone, however, was envisaged in the report on the Sub-Regional Plan issued by the Santander Port Authority, which noted "the incompatibility with the future

needs of the port of the classification of this strip of land as Green Zone'".¹³

The SPA, then, had always intended to develop the 'Green Zone' (permanent open space) along with the rest of the area to the west of the Maliano dock. The Provincial Office of the Ministry of Housing considered this justification enough for reporting favourably on the project, so revealing the irrelevance of the statutory planning machinery when set against contradictory development proposals of state authorities. In February 1960, the SPA sent the project along with the above mentioned reports to the Ministry of Public Works, who approved the project by Ministerial Order in December of the same year.

Leasehold Agreements and Development Control

In the early 60's, the SPA (through the Provincial Directorate of Ports) began making leasehold agreements with industrialists for the development of the

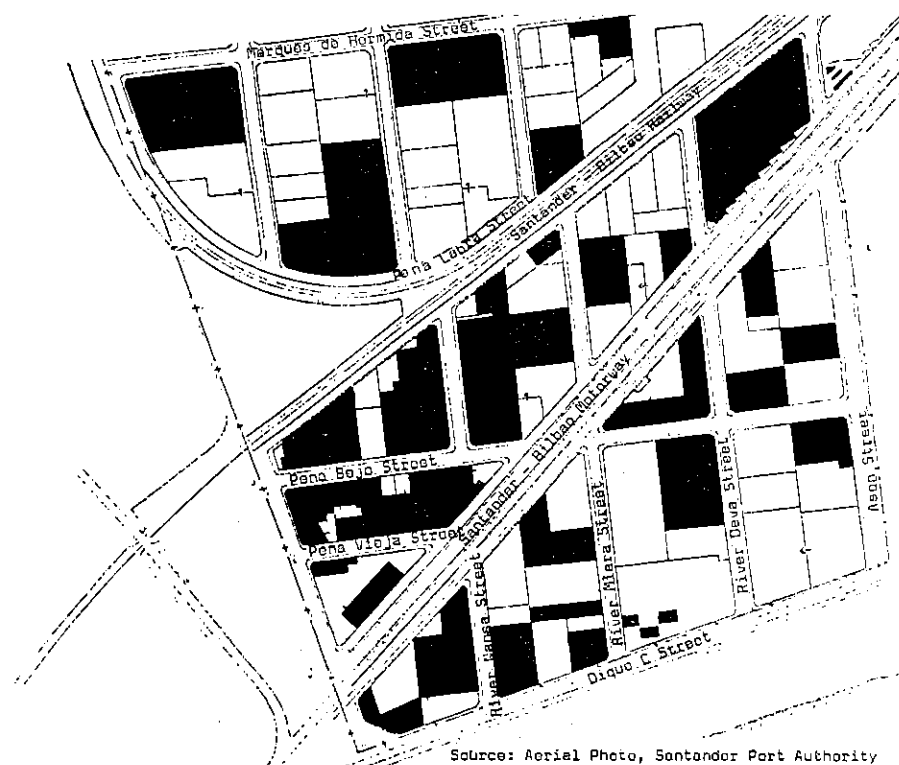


Figure 4. The Port Service Area Project, drawn up by the Santander Port Authority 1959, and approved by Ministerial order in 1960, showing the state of development (shaded) in January 1967. All blocks were numbered for development in the project. Those blocks between the Santander-Bilbao railway and the Santander-Bilbao motorway are located in land classified as 'permanent open space' in the 1955 Sub-Regional Plan.

port service area. Industrialists applied to the Port Authority specifying the area and type of industry they wished to develop. The SPA then initiated a form of plan approval process similar to that followed in the approval of the Port Area Project. The Council were *informed* of the applications and asked to post official notification on the Town Hall notice-board. Solicited reports from the High Seas Military Command, Provincial Directorate of Public Health etc. were invariably favourable; these were then forwarded to the Ministry of Public Works in Madrid, who ratified the lease agreement. Construction of industrial premises sometimes took place before official approval: by mid-1967, 51 leasehold agreements had been verified by the Ministry, and 55 plots had been developed (Figure 4).

Although the Santander Council had been notified of the leasehold agreements, all development up to 1966 took place without municipal building permits and was therefore technically illegal. In 1966, however, the inspectorate of the Council's Works Department began an *a posteriori* legalization of the construction of industrial premises in the Port Service Area, in which industrialists were charged the municipal permit tax and corresponding plans for existing buildings were approved, thereby legalizing their existence. Some industrialists appealed against this tax imposition, claiming that no such condition had been included in the leasehold agreement, but appeal court decisions went consistently in favour of the Council. In 1969, however, the legal contradiction underlying these disputes was seemingly resolved by the approval of the Coasts Act.

The leasehold agreements had been granted by the Ministry of Public Works within the legal framework of the 1928 Ports Act. This Act stated that, 'The Ministry of Development (subsequently Ministry of Public Works) may authorize private individuals to build salt works, factories and other establishments on public land'.¹⁴ But as already noted, the 1955 Sub-Regional Plan for Santander (reinforced by the Land and Urban Planning Act of 1956) stipulated that no construction of any kind could be undertaken without Municipal Building Permit authorization. Similarly the Ports Law Regulations outlined leasehold cession procedure whilst the Land and Urban Planning Act governed municipal Building Permit authorization. But the 1969 Coasts Act resolved any remaining doubts about the legal necessity of municipal authorization for construction. Article 15 of this Act stipulated that 'the granting of a lease does not exempt the lessee from the necessity of obtaining the legally required licences, permits and authorizations'.¹⁵

With the approval of the Coasts Act in 1969 a new *status quo* was established for development control in the Port Service Area. Between 1966 and 1968, the majority¹⁶ of existing industrial establishments had been legalized by the Council; but after 1969 most leaseholders applied for, and secured, Municipal Building Permits before, during, or after construction of their premises. It is interesting to note here that none of these permits were for construction in the 'permanent open space' strip of land. But nevertheless, in the period 1966-68, the Council had legalized developments in this 'Green Zone', reporting them 'in accordance with municipal regulations, the *Sub-Regional Plan* and

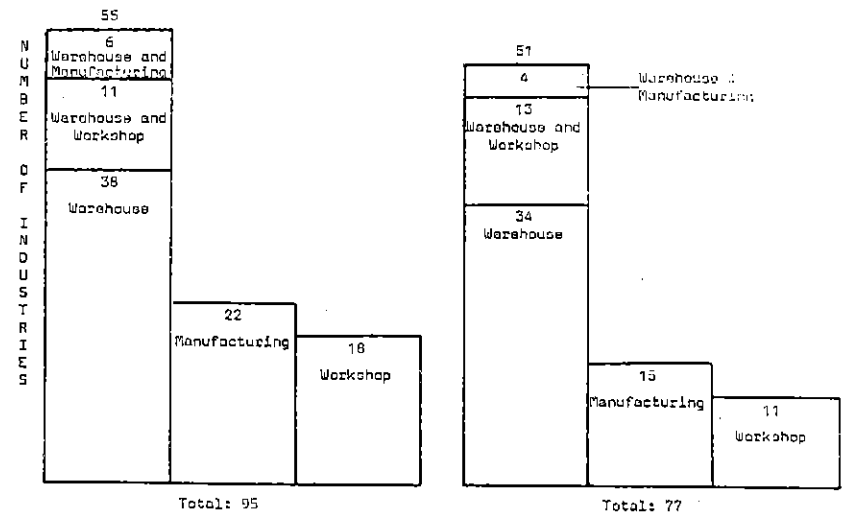


Figure 5. Industry type in original leasehold agreements (left) and in reality (right) 1979. (Difference 95:77 accounted for by amalgamations of leases and undeveloped areas)

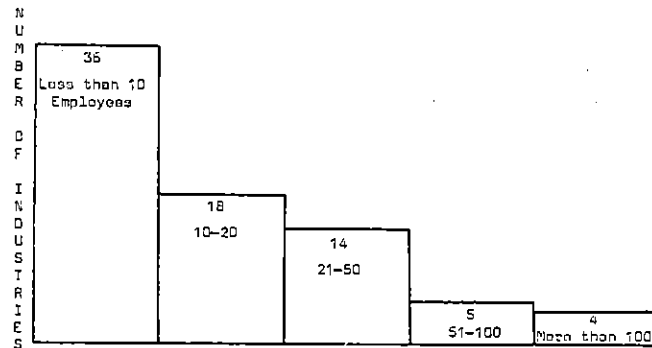


Figure 6. Number of employees per industry in Port Service Area.

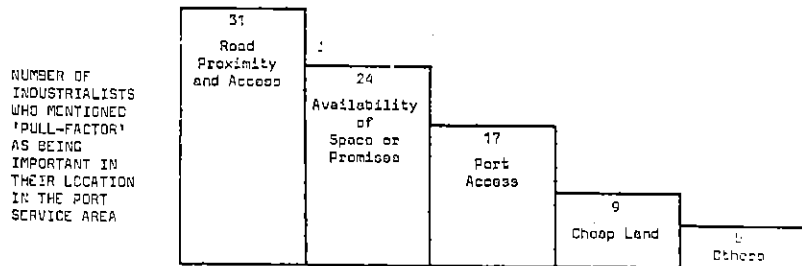


Figure 7. 'Pull-Factors' in attraction of industry to Port Service Area.

other relevant legislation'¹⁷ (authors' italics). Whilst the Council had asserted their legal right to claim development revenue (through Building Permit tax), industry in the central section of the zone remained in contradiction to the dictates of the Sub-Regional Plan.

The Nature and Dynamics of Industrial Growth

In the 1960's most of the leasehold agreements were made for up to 99 years; but despite these long leases, there seems to have been a fairly rapid turnover of industry, with a change of lessee in at least 18 of 95 leasehold areas and a further 22 sub-let. Nevertheless if we make a three-way classification of industry into warehouse (storage and distribution), workshop (car/lorry repair, small-scale carpentry, etc.) and manufacturing industry, we find the overall balance has changed very little, with warehouse facilities constituting the major industry-type in the zone (Figure 5), with over half the establishments employing less than ten men (Figure 6).

Whilst a port-side location has clearly been of importance in attracting some industries to the area (e.g. fish-preserving plant, bulk imports storage and distribution—cereals, tropical wood, fertilizer and animal foodstuffs), proximity to the Santander-Bilbao road has perhaps been of greater importance. The car showrooms, lorry and car servicing areas and workshops – by and large located immediately alongside this main road – were clearly attracted by the roadside location. But questionnaire results (Figure 7) suggest that even for the storage and distribution industries, it was the existence of suitable road access and service infrastructure in an ideal location outside the main built-up area that was the major 'pull-factor'.

This is supported by the high percentage of industries that are 'relocations' from Santander town. Of the 67 industrialists from whom answers were obtained, all but 20 had moved from the town. Further, survey analysis has revealed that industry has relocated from three major areas in the town – from the other side of the Maliano dock, from around the Molnedo dock and from the town centre (Figure 8). It is of interest to note that all three areas were by and large classified for residential development in the 1955 Sub-Regional Plan (Figure 3), and although not one industrialist mentioned planning restrictions as a reason for moving, this may have been a contributory factor. Interviews with members of the Council's Planning Department suggest that whilst the Council paid little attention to the development of land owned by the SPA, they exerted a very firm development control in the town itself. Indeed, the major area from which industry has moved (Zone A on Figure 8) corresponds almost exactly to the area around the Maliano dock *not* owned by the SPA. With the acquisition of the Wissocq Marshlands in the 1950's, the SPA had the opportunity to provide an ideally located industrial zone, largely out of reach of Council control, where land could be offered relatively cheaply to industrialists and service infrastructure could be provided by the SPA themselves. In return, the SPA received a steady source of income through ground rent and spin-off revenue from the increase in port traffic.

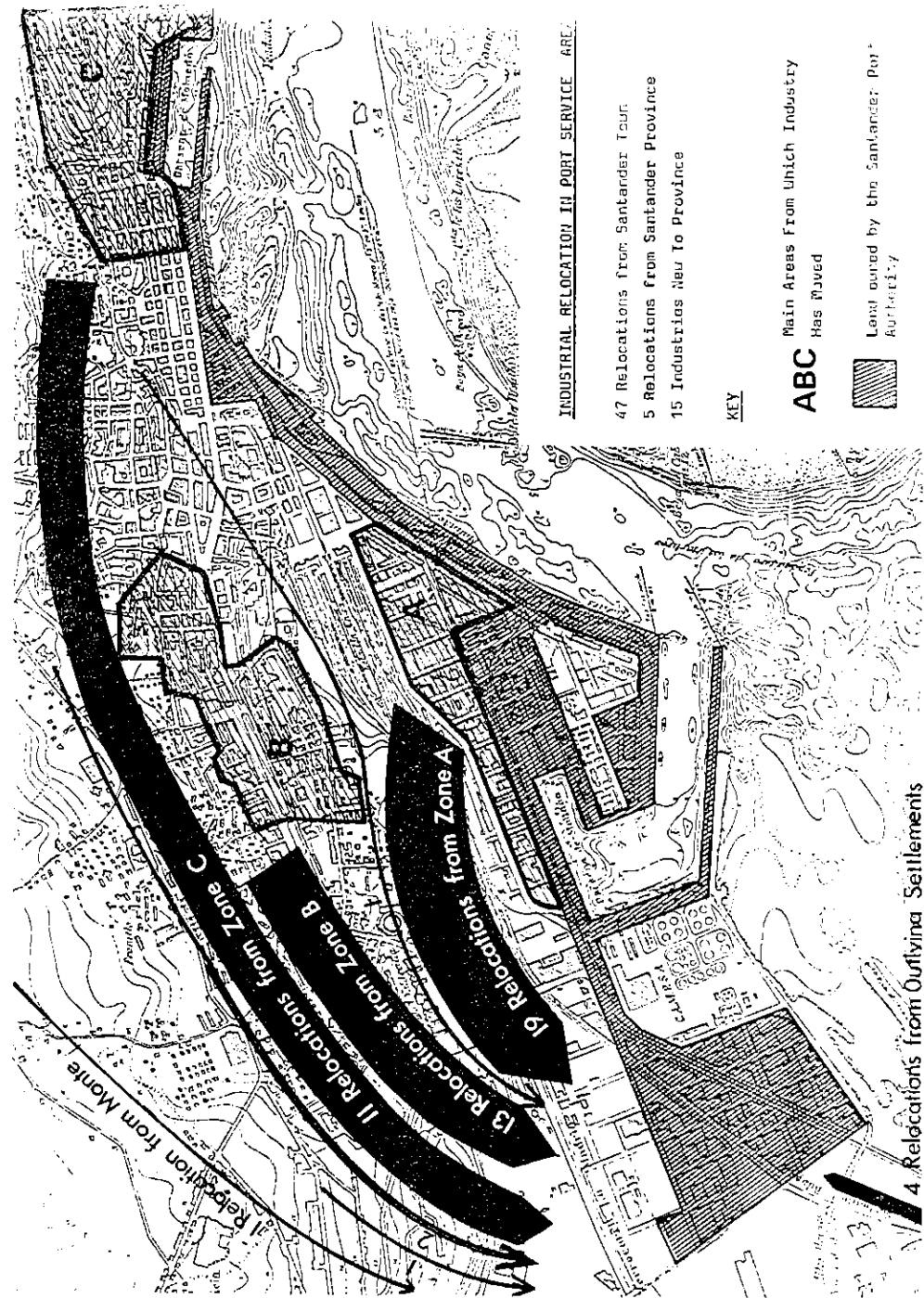


Figure 8. Relocation of industry in the Port Service Area.

Conclusions

1. *The type of industry* attracted to the Port Service Area has been light manufacturing, workshop and above all warehouse (storage) industry. Clearly, proximity to the port has been an important factor in attracting storage/wholesale distribution activities of imported goods but this has largely been secondary to the availability of relatively cheap, suitably vacant land (or latterly available premises) alongside the primary road axis into and out of Santander.

2. *Industrial relocation* and expansion from other parts of Santander town has been of major importance in the growth of the zone, but this aspect of development poses certain questions of a broader nature that have yet to be satisfactorily answered. Was the desire to renovate areas vacated by industry attracted to the Port Service Area a major factor in the strategy of the Port Authority? Future research into ownership of land in these areas and possible links between the SPA and property developers will hopefully answer this question. But even if it was, it seems clear that the need to provide a new industrial zone near the Maliano dock was as important, if not more so. Between 1950 and 1958 port traffic increased almost two-fold and yet port-related industrial development was hampered by city centre congestion and planning regulations in areas which were by and large classified for residential development and outside the SPA's jurisdiction. The requirements of a growing port traffic (which increased three-fold between 1958 and 1976) strongly recommended the development of a new industrial area, equipped with suitable communications infrastructure. The implementation of the Port Service Area Project by the SPA provided such a zone.

3. As regards *plan implementation*, there are several aspects that seem worth stressing:

- Development of the Port Service Area involved *contravention of the statutory approved urban plan* for the area and *irregularities in planning procedure*. The development of the 'Green Zone' included in the Sub-Regional Plan between the road and railway links was encouraged by the Ministry of Public Works (MPW) and Santander Port Authority and accepted without protest by the Council. Scant regard was paid to correct planning procedure in the municipal development control function which was inconsistent and reflected more the desire of the Council to collect permit taxes than any attempt to bring development into line with the approved urban plan.
- Nevertheless the development of the Port Service Area has been an *economic and strategic success*. The MPW and SPA successfully planned, managed and financed the development of a much needed industrial zone alongside the major dock facilities and road and rail links in Santander. The fact that urban plans and planning procedure were to a large extent reduced to an irrelevance reflects the incapacity of local councils to provide suitably furnished industrial growth areas as much as it illustrates the unacceptable side of Central State autonomous intervention.
- This suggests then, that plan implementation could be improved if *plan-making* municipal and sub-regional authorities had the necessary political will

and weight to effectively *implement* their plans. At the same time, such authorities must have the technical and financial resources to draw up realistic and flexible plans that can suitably respond to changing economic (and other) demands. In the 50's and 60's in Santander none of these conditions existed. The Municipal and Provincial authorities were weak, politically and resource-wise; the 1955 Sub-Regional Plan was a classic blue-print plan that attempted to structure the growth of the bay for the following 45 years. As such, and especially given the minimal (by today's standards) preparatory studies, the plan was bound to become obsolete before long as the projections and premises on which the plan was based changed. As specifically regards the Wissocq Marshlands, the Green Zone classification seems largely inappropriate in an area which, because of its road- and port-side location, was ideal for industrial development, and indeed this was remarked upon by the SPA as early as 1952 in their report on the Plan. The Port Service Area case study illustrates, then, some (and by no means the worst) of the likely results when the formal urban planning machinery is so far removed from any political power base and out of touch with the economic realities of the development process.

- Preliminary soundings amongst industrialists in the zone suggest some are now contemplating a move further south to the privately owned Raos industrial estate (Figure 1), where longer leasehold agreements or purchase of larger premises may be preferable to the leasehold agreements in the Port Service Area, which the SPA are now renegotiating for 25 year periods only. This development is again in many ways contrary to statutory urban planning - located in an area zoned for 'transport development' in the 1955 Sub-Regional plan. It must be hoped that the revision of the Sub-Regional Plan, now underway,¹⁸ will be flexible enough to adapt to changing economic trends and yet suitably sensitive to the needs of both public and private sectors to facilitate effective overall public management of the growth of industry in the Bay area *within* the framework of statutory urban plans and established planning procedure.

Notes and References

1. For detail on collusion between local authorities and private developers in Barcelona, see Marti, F., and Moreno E, *Barcelona - a donde vas?* (Dirosa: Barcelona 1974).
2. Planning issues in Santander are touched upon in the following works: Daida, J., Garcia-Lagos, M., Gariria, M., et al., *Defensa de la Naturaleza y Medio Ambiente en la ciudad y bahia de Santander* (Fundacion Marcelino Botin, 1974); Echegarray, R. E. *1 Centenario del Puerto de Santander 1872-1972* (Santander, 1973); as well as the annual economic reports of the Santander Port Authority, the major banks, the Syndical Organization and other state bodies.
3. According to the Botin Foundation Study of 1974 (*op.cit.* note 2), the population of Santander municipality was then 150,000.
4. Total Port traffic increased from 750,000 metric tons in 1947 to over 1,500,000 in 1958, and to 4,500,000 in 1976.
5. Article 26 of the Planning Regulations for the development of the 1955 Santander Sub-Regional Plan stated 'Any Building Permit granted for construction in these zones (permanent open space) requires the previous approval of the Provincial Planning Commission. Building permits may be granted for construction of the following build-

- ings: one-family houses standing in ground covering a minimum of 5000 square metres; one-family houses in nucleated settlements with a maximum density of 5 houses per hectare
- See Comision Superior de Ordenacion Urbana (Santander), *Plan Comarcal de Santander 1955* (Graficas Ter: Santander, 1967).
6. *Ibid* (note 2).
 7. Article 1 of Planning Regulations of Santander Sub-Regional Plan 1955. See: Comision Superior de Ordenacion Urbana, 1967, *op.cit.* note 2.
 8. Within the Ministry of Public Works, the General Directorate of Ports and Light-houses (GDPL) was one of four such Directorates. Within the GDPL there were Provincial Directorates of Ports; the Santander Port Authority was a major sub-unit of the Santander Provincial Directorate.
 9. The exact motives for the State-Pereda land exchange in the 50's remain unclear. But personal interviews suggest it was largely to facilitate transactions undertaken by Pereda (as an individual) that would have been more complex if undertaken by the State. Having acquired the land at a nominal cost and sold parts of it off to CAMPASA (in 1954, 55, and 58) to meet compensation claims by former lessees, Pereda handed back the land remaining in his possession and money received from the land sales to the State in 1959.
 10. It could be argued that as a 'Land Division' plan the Port Service Area Project met the demands of Articles 165-167 of the Land and Urban Planning Act of 1956 which authorized state authorities to approve such projects after consultation with the Council. But to change land use classifications - which the Port Service Area Project implicitly did by dividing the 'permanent open space' area up for industrial development - a local Plan needed to be approved according to procedure established in the 1956 Act (see Note 11 below).
 11. Such a Local Plan would first be *initially approved* by the Ministry of Public Works. Then a Public Information Stage is opened for one month in which plans are made available for inspection by the public and appeals may be presented to the Ministry. Then an Audience of Local Corporations stage is held for one month, during which time Local Authorities debate the plan with the Ministry. If the Local Authorities report favourably, the Local Plan can then be *Definitively Approved* by the Ministry. If not it is up to the Full Cabinet to decide.
 12. From Resolution of Full Council of Santander, 9.1.60, quoted in a letter signed by Mayor and Secretary to Engineer Director of the SPA, dated 4th February, 1960.
 13. From letter signed by Manuel Urbina Carrera, Provincial Delegate of Ministry of Housing, to Engineer-Director of SPA, dated 8.2.60.
 14. Article 42 of the Ports Act 1928, see: 'Ley de Puertos' in Ministerio de Obras Publicas, *Legislacion Basica, Tomo 2* (MOP: Madrid, 1977).
 15. Article 15 of Coasts Act: See 'Ley de Costas' in: Ministerio de Obras Publicas, *op. cit*
 16. A search of municipal records suggests 10-20% of industrial premises in the Port Service Area still lack either a *posteriori* legalization or Municipal Building Permits.
 17. From Works Committee Resolution legalizing industrial premises of Mr. Delfin Pintado (in the Green Zone), 15.7.66.
 18. In May 1979 the Provincial Planning Commission put out to tender the first stage (for the southern part of the Bay area) of the revision of the Sub-Regional Plan. The contract was to be awarded towards the end of 1979.