



In a special one-off plenary session held today by the Formentera Island Council, councilor of Town Planning Bartomeu Escandell gave explanations pertinent to the sentence handed down by the Tribunal Superior de Justícia (the Superior Court of Justice) of the Balearic Islands which nullified the previous delimitations on the 'historic centres' of Sant Francesc, Sant Ferran and El Pilar de la Mola, established in 2010 by the island's subsidiary planning regulations (Normes Subsidiàries de Planejament).

The ruling by the Tribunal Superior affects only the area of 250 metres extending from the churches located at the different town centres, these buildings classified as Cultural Interest Sites. It also validates a 2009 decree by the Govern Balear, which gave the green light to the Formentera Council in its move to oversee a revision of the delimitation of the historic town centres.

Upon declaration of the ruling, the Formentera Council made the decision to proceed with caution regarding any activity within the historic centres. According to legal counsel by the Formentera Council's own specialists, the judicial sentence does not affect construction permits issued between the 2009 entry into application of the Normes Subsidiàries and the year 2010.

The Formentera Council has presented an appeal to the Tribunal Suprem (Supreme Court) based chiefly on the three arguments outlined in the court's ruling. The first assertion of the ruling is that the delimitation and the different degrees of protection established by the Normes Subsidiàries are not sufficiently supported. The Council believes that – as stipulated in the decree of the Govern – there is indeed a technical basis, duly-supported, for each of the sites classified as being of patrimonial interest. Moreover, as manifested by Formentera's councilor of the Presidency, Hisenda-Tax Office and Territory, Bartomeu Escandell, “the current government had before it three recently-constructed buildings which, lacking any patrimonial value, could not be protected. Taking into account the fact that activity in the historic town centres had been frozen – both for building and demolition – the Court could have equally interpreted the situation as a rejection of the demolition sentence”.

The administration's principle goal in the redaction of the new Island Territorial Directive (Pla Territorial Insular) was a protection of Formentera's local heritage sites and a provision of local

residents with some form of legal security. Most importantly, an updated draft of the directive had become necessary given the extended period of time – 20 years – that had passed since the previous directive's approval. Dating back to 1989, the document was no longer adapted to real local needs.

The second argument contained in the ruling focuses essentially on the procedure followed by the Council. Councilor Escandell contends that the Council did in fact request corresponding technical reports, and thus asserts that the argument laid out by the court is not based in reality. In effect, the TSJB states in its ruling that the Technical Assessment Commission (Comissió Tècnica Assessora), in its drafting of a technical report, was never convened. This information – as demonstrated by the CTA's 'acta de reunió' – is inaccurate. On 27 September 2010, three days before definitive approval was granted to the proposed Normes Subsidiàries, a meeting was held by the CTA at which time a resolution favourable to the revised delimitation of the historic centres was produced.

Our local administration has since reiterated that the practices established by the decree were upheld scrupulously and that all necessary procedures were abided by and this in the proper manner.

The third argument of the TSJB contends that the Formentera Council did not wish to execute the 2009 demolition order for the three buildings that constituted the Sant Ferran commercial centre. Erected upon the Ca Ses Castellones terrain, the 2005 permit for construction was granted by the PP-GUIF-PREF tri-party and declared illegal thereafter. To this point, councilor Escandell has noted that the problem at hand was created by the political opposition group currently composed of the PP and GUIF. In defence of the public good and in the interest of avoiding future economic claims to the contrary, our local council exhausted all possible legal options that would have permitted forgoing the demolition. The demolition was carried out in November of 2012 only after the Council had exhausted every possible legal avenue at its disposition, thus respecting the court's sentence.

The councilor of Territory explained his defence of each of the Council's actions related to this matter, defending the local administration of Formentera from political attacks and illegal building permits granted by the previous government of the PP-GUIF-PREF, as is the case in the case of Ca Ses Castellones. Our current council has likewise maintained a policy of preservation of historical heritage sites, in respect of the law. We regret that on the issue of protecting local heritage, no other concrete proposals were put forward by the opposition parties.

Councilor Escandell contended that, if necessary, the Council would adopt measures to further explain its delimitation of the historic centres of Formentera, thus establishing the necessary legal security.