

Legislation and the General Registry of Cultural Interest Asset in Spain, 1985-2016

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With the exception of some pioneering, but incomplete, dispositions concerning Spain's historical heritage approved in the 19th century, most of the legislation concerning this question was passed in the 20th century. Worth noting, among many other dispositions, is the Law of May 13th 1933 on the defence, conservation and growth of the national historic-artistic heritage and, in particular, the Law 16/1985, of June 25th, concerning Spain's Historic Heritage. This latter law was to have an enormous transcendence, for at least three reasons: it grouped together a large part of the historical legislation; it included all Spain's international commitments in this matter; and finally, it began a territorially decentralised stage in the recognition and protection of heritage assets, especially those denominated in Spain as BIC (Bien de Interés Cultural or Cultural Interest Asset).

Since the approval of this law, the scientific literature on heritage and the legal provisions (laws and plans) created by the many administrations has, over the last three decades (1985-2015), undergone spectacular growth. This fact is closely linked to the transfer of

competences to the regional governments which, through specific legislation on cultural or historical heritage, has allowed political singularity to be associated with some of the most relevant attributes of each particular territory, whether of a historical or heritage nature, or both.

In addition, we have the incorporation of heritage to regional development strategies (Landel, 2009), for which the following is normally necessary: first, the creation of a territorial trademark based on the exceptionality of the heritage assets or the uses and customs of the said territory (Harvey 2001; Ivanc & Gomes 2015; Lorenzini et al. 2011; Smith 2006); this is followed by the construction of new infrastructures and facilities as instruments of territorial qualification and revitalization (Ciambrone 2013; Simeon & Martone 2014); finally comes the creation and sale of the original heritage, or its recreation, as a touristic resource (Ashworth 2003; Biernacka & Kocwin 2010; Gogolou & Dimopoulou 2015; Kirshenblatt 1998).

As we shall analyse later, the recognition process of the assets upon which these strategies are based, the so-called BICs, attributed for the most part to the Autonomous Regions, has been decidedly irregular. What is true is that, in order to face the new challenges in taking advantage of heritage, the number of assets that have been declared of cultural interest has undergone spectacular growth. However, it is no less true that the number and location has no relation whatsoever to the history, tradition or heritage wealth of the territories, but to the opportunity or political need to highlight them.

I. THE REGULATION OF BICs IN THE LEGISLATION ON SPAIN'S HISTORIC HERITAGE

The system for the declaration, inventory and protection of cultural assets in Spain is made up of a complex network of cultural, economic (fiscal) and real estate interests. The system has been conceived to prevent the despoilment and exportation of the said assets and to encourage and facilitate their conservation, but also to exploit them, given their economic importance, which has become a de facto touristic resource of mass consumption and a catalyst for intense processes of urban renovation-rehabilitation-regeneration. The fulfillment of the first function (touristic), and the contribution of heritage assets within the specific area of cultural tourism, is on the increase. In fact, it is one of the tenets of territorial development in some Spanish regions, at

the expense of a growing degradation of the surrounding landscape; something which is incompatible with the unique, exceptional nature of the original heritage resource.

The legal concept of historic heritage was defined in the Law 16/1985 on Spain's Historic Heritage and in the Royal Decree 111/1986 on the partial development of the same. The Law sets out the concept of Spain's Historic Heritage in the first article, stating that it will be made up of «the properties and moveable objects of artistic, historic, paleontological, archaeological, ethnographic, scientific or technical interest. Also forming part of the aforementioned will be the bibliographic and documental heritage, the archaeological areas and sites, as well as the natural sites, gardens and parks with an artistic, historic or anthropological value».

In all cases, the law makes it mandatory for the most relevant heritage assets to be «inventoried or declared of cultural interest». Responsibility for this lies with the Autonomous Regions, through article 148.1 of the Spanish Constitution, which recognises the right of the Autonomous Regions to assume jurisdiction concerning the monumental heritage of interest to the region or concerning the promotion of culture. On the other hand, as set out in article 149.1.28, the defence of Spain's cultural, artistic and monumental heritage against its exportation and despoilment is the exclusive responsibility of the State. The State also maintains jurisdiction over the museums, libraries and archives it owns, even though they may be managed by the Autonomous Regions.

Similarly, the protection of cultural heritage has been the object of concurrent dispositions with unequal scope and effectiveness among those of an eminently urban nature and those that, with a specific nature, face the complex task of defining and protecting the cultural heritage (Fariña, 2000). This function lies not only with the law on Historic Heritage of 1985 and the diverse generations of the law on City Planning & the Land Regime, but also with an endless set of rules of a regional nature (see Table 1), approved in the also endless deployment process of regional competences in both areas: city planning and culture.

1. STATE AND REGIONAL LEGISLATION ON HISTORIC HERITAGE IN SPAIN: 1985-2016

An adequate understanding of the territorial competences concerning culture, as stated in the ruling 122/2014 of July 17th of the

Constitutional Court, leaves historic heritage, except for its defence against despoilment and exportation, in the hands of the Autonomous Regions that have legally assumed them. They are empowered to establish the general regime for Spain's historic heritage located in their territory. Thus, the assets which are not assigned to a state service (Museums, Archives, Libraries, etc. (STC, 17/1991)) should be declared BIC (heritage of cultural interest) by the Autonomous Region in which they are located.

Developing this mandate of the law 16/1985, of June 25th, on Spain's Historic Heritage, confirmed by several sentences of the Supreme Court (STC 17/1991 of January 31st, STC 122/2014, of July 17th), the Autonomous Regions have, since then, been issuing their own laws on heritage (Tapia, 2011, López, 1999), in which they detail the process for declaring BICs, protection and access, or the legal and inventory regime. The explanation for this responsibility is very simple: the legal category of heritage of cultural interest (BIC) within Spain's Historic Heritage is made up of the most relevant assets «normally located in one of the Autonomous Regions». Therefore, once responsibility has been assumed legally, the Autonomous Region then has the competence to issue a formal declaration, in accordance with the ruling 122/2014 of the Constitutional Court.

A complex legal structure has been created over the last thirty years to develop this territorially decentralised responsibility (the recognition of assets). The Autonomous Regions have promulgated at least three generations of laws on historic or cultural heritage, besides an endless number of modifications that have, at times, made the system for recognising and protecting these assets extraordinarily complex. This process of a periodic revision of the laws is due to the confluence of three elements: the reform of the Regional Statutes, the need to simplify the laws, and the interest in decentralising part of the responsibility, attributing a prominent participation to the Town Councils in the management of the said assets, particularly the properties. It should not be forgotten that it is the properties that suffer the greatest pressure and the most conflicts concerning the right of ownership, city planning or both.

As can be seen in Table 1, part of the regional legislation on Historic Heritage has been repealed and replaced by a new one (Andalusia, Castile La Mancha, Galicia, Madrid) as a response to the philosophy of the new Regional Statutes. The justifications for the new versions of the laws on heritage are very similar: they consist of attributing a

high capacity to this variable for cementing, as they say in Andalusia, «the awareness of identity and of the Andalusian culture through knowledge of, research into and diffusion of the historic heritage»; or because the heritage is considered so unique and exceptional that it requires «a more complete Law to itself», which is the case of Castile La Mancha¹; or to stress, as is done in the law in Aragon, that «the heritage is the common property of all the citizens of Aragon, and its elements have contributed, and continue to contribute, to the configuration of the Spanish culture and to the Mediterranean countries as a whole. Without the preservation and reinforcement of our culture, uniformity would take over, a uniformity that encourages forms of social development based on a single model (sic)», as set out in the law 3/1999, of March 10th, on the Cultural Heritage of Aragon.

Table 1. Legislation on Cultural Heritage

State level	Last modification
<ul style="list-style-type: none"> – Law 16/1985, of June 25th, on Spain’s Historic Heritage – Royal Decree 111/1986, of January 10th, on the partial development of the Law 16/1985, of June 25th, on Spain’s Historic Heritage. – Ruling TC 17/1991 of January 31st. 	October 30 th 2015
Regional Legislation	Last modification
Andalusia: Law 14/2007, of November 26 th . Law on Historic Heritage of Andalusia	November 28 th 2012
Aragon: Law 3/1999, of March 10 th . Law on Cultural Heritage of Aragon	February 3 rd 2016
Asturias: Law of the Principality of Asturias 1/2001, of March 6 th , on Cultural Heritage	March 18 th 2011
The Canary Islands: Law 4/1999, of March 15 th 1999. Law on the Historic Heritage of The Canary Islands.	August 13 th 2004
Cantabria: Law of Cantabria 11/1998, of October 13 th , on Cultural Heritage	December 30 th 2013

1. Law 14/2007, of November 26th, on the Historic Heritage of Andalusia. Law 5/2016, of May 4th, on the Cultural Heritage of Galicia. Law 4/2013, of May 16th, on the Cultural Heritage of Castile La Mancha. Law 3/2013, of June 18th, on the Historic Heritage of the Region of Madrid.

Regional Legislation	Last modification
Castile-La Mancha: Law 4/2013, of May 16 th . Cultural Heritage of Castile-La Mancha	May 11 th 2016
Castile & Leon: Law 12/2002, of July 11 th 2002. Law on the Cultural Heritage of Castile & Leon	July 2 nd 2013
Catalonia: Law 9/1993, of September 30 th , on the Cultural Heritage of Catalonia.	March 23 rd 2012
Extremadura: Law 2/1999, of March 29 th . Law on the Historic and Cultural Heritage.	February 21 st 2011
Galicia: Law 5/2016, of May 4 th , on the Cultural Heritage of Galicia.	No modifications
Balearic Islands: Law 12/1998, of December 21 st , on the Historic Heritage of the Balearic Islands.	June 23 rd 2012
La Rioja: Law 7/2004, of October 18 th , on the Cultural, Historic and Artistic Heritage of La Rioja.	October 22 nd 2014
Madrid: Law 3/2013, of June 18 th , on the Historic Heritage of the Region of Madrid.	December 30 th 2015
Murcia: Law 4/2007, of March 16 th , on the Cultural Heritage of the Autonomous Region of Murcia.	No modifications
Navarre: Regional Law 14/2005, of November 22 nd , on the Cultural Heritage of Navarre.	April 18 th 2007
Basque Country: Law 7/1990, of July 3 rd , on the Basque Cultural Heritage.	December 27 th 2007
Valencia: Law 4/1998, of June 11 th , on the Cultural Heritage of the Autonomous Region of Valencia.	December 31 st 2015

Source: BOE. Consolidated legislation of the Autonomous Regions. Consultation: February 2017. Own elaboration.

In some regions, such as Galicia, the latest version of the heritage law has been justified as an instrument for the «defence of identity», including in this aim the paradigm of sustainability and territorial integration. In this region, they have also created, as can be seen in Table 2, four new categories of assets; they also introduce such new protective mechanisms as the so-called buffer areas, that is, a space around the properties declared or catalogued as being of cultural interest and, in such a case, of their corresponding protective environments, with the aim of reinforcing their protection and the conditions of their implementation in the territory.

In the remaining Autonomous Regions, the original legislation of the 1990s has been maintained, or at least that of the first years of the 21st century, but regularly modified to attend to the legislative changes that have occurred in other areas of the legislation linked to cultural heritage. There has also been a simplification of the administrative procedures related with the declaration, management, conservation and regime of sanctions in each one. New BIC categories have also been introduced on top of the five contemplated in the law 16/1985, of June 25th, on Spain's Historic Heritage: Monuments, Gardens, Historic Sites and Ensembles, as well as Archaeological Sites.

Table 2 shows the types of BIC specifically recognised by each autonomous region. Most of them add, in addition to the five basic types from the Law 16/1985, all or some of these four new categories: Places of Ethnological or Ethnographic Interest, the so-called Paleontological Sites, the Cultural or Historical Routes, and the Cultural Landscape. Some exceptions are the Region of Andalusia, which adds two new types: Historical Territory and Sites of Industrial Interest; the Region of Cantabria, which introduces the figure of the Natural Site; and the Region of Extremadura, which incorporates Archaeological Reserves and Archaeological Protected Areas.

Paradoxically, the sites of ethnographic interest, defined in article 46 of the Law 16/1985 as «the moveable and immovable assets, the knowledge and activities that are or have been a relevant expression of the traditional culture of the Spanish people in their material, social or spiritual aspects», do not figure in Spain's catalogue of heritage assets (article 14) as Heritage of Cultural Interest (BIC). Some of the characteristics of this definition are collected in article 15.4 of the said law, on referring to Historic Sites, in spite of which, most of the autonomous regions have incorporated sites of ethnological or ethnographic interest as a specific BIC category, with their own catalogue (see Table 2).

As shall be analysed later, the diversity of categories, the purely nominal differences between some of them, and the lack of regularity and even rigour in the declaration process for BICs, make any kind of attempt at the systematisation of Spain's rich heritage very difficult, especially when taking the BICs into account. The problem, as in other fields, comes from the diversity of the norms. However, it is also a result of the close association between regional identity and heritage, as well as the frequency of concurrent legislation within this field, whether it be of an urban, economic or cultural nature.

Table 2. Singular elements in the regional catalogue of Heritage of Cultural Interest

	Site of ethnological-ethnographic interest	Paleontological Area	Cultural-historical routes	Cultural Landscape.	Historical Territory	Heritage Site	Site of industrial interest	Natural environment	Archaeological Reserve	Archaeological protected area	Total new assets
Andalusia	1					1	1				3
Aragon	1	1									2
Asturias			1								1
Canary Islands	1	1									2
Cantabria	1		1	1				1			4
Castile La Mancha		1									1
Castile & León	1		1								2
Catalonia	1	1									2
Extremadura		1							1	1	4
Galicia	1		1	1	1						4
Balearic Islands	1	1									2
La Rioja	1	1	1	1							4
Madrid	1			1							2
Murcia	1	1									2
Navarre			1	1							2
Basque Country											0
Valencia	1	1		1							3
N.º regions	13	9	6	6	1	1	1	1	1	1	

Source: BOE. Consolidated regional legislation. Consultation: February 2017. Own elaboration.

No less important than the diversity of categories is who takes the initiative in declaring heritage of cultural interest and the planning

effects of such a decision. Article 14 points out that «any person may solicit the initiation of the process to declare a heritage asset of cultural interest (BIC)», although the normal process is for the owner to do so if the property has the necessary qualities (or attributes), or the administration (councils, provincial authorities, etc...), or even other entities or associations with some historical or cultural interest in general.

It can be deduced from all the above, following the approval of the law 16/1985 on Spain's Historic Heritage, that the national and regional legislation has not only the aim of protecting the heritage and avoiding the exportation and despoilment of the cultural assets, which are historic responsibilities; but it now also has a different, additional destiny and purpose. In fact, each autonomous region now has control over its assets and their surroundings, setting up a framework of plans through which to give added value to a heritage resource, after first being freed from inappropriate historic adhesions (Calderón & García, 2016-b), and then reinventing it with new elements that will serve its programmed touristic exploitation (Kockel 2002).

The forms of management that each region has for achieving this aim are its own unique ones, so the typology of spatial aggregates is almost unlimited, since they can be called heritage parks, cultural parks, eco-museums, heritage corridors, heritage enclaves, cultural routes and landscapes, among others. All this helps the rebirth of the territory, not based on the uses it had in the past, but on the transfer of the memory of such uses or customs to the present, in a peculiar exercise of historical sustainability of a cyclical nature, as each second or successive period of exploitation of a resource springs from the exhaustion, through overuse, of the previous ones (Ashworth 2003).

However, this process of identification and inventory of assets is not neutral; the beginning of the declaration proceedings for a territorial resource (Monument, Historic garden, Site, Archaeological Area or Ensemble) as a BIC involves «the suspension of the corresponding municipal licences for parcelling, building or demolition in the affected areas, as well as of the effects of those already granted». Similarly, the declaration as a BIC requires compliance with the protective demands set out in article 19 of the abovementioned law. Finally, the resolution of the proceedings declaring a property or site to be a BIC also sets the limits of the surroundings affected by the declaration, which are in turn affected by those very limitations and demands.

In addition, it is frequent that, in this «environment», there are other heritage resources of apparently less value (catalogued or inventoried

assets, etc.), since the territorial heritage does not consist solely and exclusively of exceptional resources. Together with those elements that have been awarded the status of heritage resource, the territory also contains many other resources of varying formal quality and high symbolic value. Such assets are often the basis of the individual formation of the territorial image, yet they pass unnoticed as they are not linked to a particular story and lack formal, administrative, academic or legal recognition (Calderón & García, 2016-b). As chance would have it, some resources in this heritage universe that are not tagged as cultural, and which make up a kind of invisible, diffuse heritage, are given a story with a plot that rescues them from anonymity (Smith 2006), managing to make them visible so they can have a new existence, living a new cycle of exploitation after reproducing the stages that go from their discovery to consumption.

2. HERITAGE SPACE: THE ENVIRONMENT OF HERITAGE OF CULTURAL INTEREST (BIC)

The protective regime for BICs included in the state and regional laws has positive effects on the integrity of the heritage, but negative ones concerning the use of those other properties within the protected perimeter or in the surrounding area. In general, these assets are limited both by the typology of work that can be carried out and the permitted uses. They also need the regional and municipal administration's planning authorisation, vigilance and discipline. So, it is inevitable that, in order to be able to overcome these requirements and limitations, a great part of the development expectations generated by a BIC are realised outside the protected area, where there are fewer prohibitions. Thus, the effects on the economy and landscape that this protection entails occur not in the immediate surroundings, but beyond its limits.

There is no homogeneous criterion for recognising the surroundings of a BIC, whether it be a monument or a site. Such spaces do not have a precise, unequivocal limit, save for a few exceptions. The surface area is rarely specified in the law, which refers to the special plans drawn up for the protection of assets. Although there is no agreement on this matter, the definition included in article 50 of the law 11/1998 on the Cultural Heritage of Cantabria could be seen as representative. In this law, the surroundings is that «space, built up or not, close to the asset, which allows its adequate perception and understanding, considering both the era of its construction and its historical evolution.

The surroundings may include buildings or sets of buildings, plots of land, estates (in all cases with their corresponding subsoil), urban and rural fabric, geographical accidents and natural or landscape elements; irrespective of whether they are close to or far from the asset itself or whether they make up a continuous or discontinuous area».

This definition contains most of the basic elements that shape the area of protection: buildings or open spaces, whether adjacent or not, aesthetic singularity, geographical accidents, homogeneity of the landscape; although, in this case, as in most of Spain's regional legislation, the distance from the BIC is not included.

Exceptionally, this criterion is included in the Law 2/1999 on the Historical and Cultural Heritage of Extremadura, which, in its article 39 indicates that «the protective context, from the outer extremes of the asset will, in general, be at least to the order of: a) 100 metres for elements of an ethnological nature; b) 100 metres for architectural elements; c) 200 metres for elements of an archaeological nature; d) 100 metres on both sides of historic routes». More generally, the fourth additional provision of the Law 14/2007, of November 26th, the Law on the Historical Heritage of Andalusia, introduces the criterion of the classification of the land, on establishing that «the monuments declared as historical-artistic according to the legislation prior to the entry into force of the Law 16/1985, will have a protective area made up of those plots and spaces that surround them up to the following distances: fifty metres in urban contexts and two hundred metres for land that can become urban, or rural land».

We find the same exceptional character in the Law 5/2016, of May 4th, on the Cultural Heritage of Galicia, which, in article 13, contemplates the declaration, not only of the BIC and its protected surroundings, but also of a so-called Buffer Zone, that is, an area around the properties declared as being BIC or catalogued as such and, where pertinent, of the corresponding protective areas, in order to reinforce its protection and the conditions of its implementation in the territory.

This is also usually a reinforced process: on top of the protection given to the surroundings contained in the laws on heritage, the protection of the planning catalogues are added in order to prevent installations and building work in the immediate area which could lead to their deterioration or which could substantially modify their visual perspective and their integration in the rest of the urban fabric, as stated in article 30.4 of the law 7/2004, of October 18th, on the Cultural, Historical and Artistic Heritage of La Rioja.

Due to all this, since the promulgation of the law 16/1985 on Spain's Historical Heritage and the regional laws on the same subject, the setting has become a very controversial space. It is true that, on the one hand, there has been an imperceptible process of appropriation, on the part of the setting, of the heritage values of the BIC situated there. However, on the other hand, it is no less true that, following official recognition, the setting has become an implicitly protected area, in which certain uses are prohibited, and upon which limitations are imposed concerning commercial publicity, antennas, posters and other elements, or on the type of work that can be done and the materials that can be used. It is also a space subjected to a regime where authorisation is needed for building work; where licences have to be obtained for buildings to be declared in ruins, or for demolition; with the participation of the regional administration (Departments of Culture or Heritage), thus invading municipal planning competences.

This ambivalent situation has had, and is still having, perverse effects. Faced with the difficulties of remodelling or replacing buildings because of the protective conditions imposed on the surroundings in the heritage legislation, or in the catalogues of the General Plans, the owners and developers have concentrated their interventions on the buildings, plots of land or suburbs which are not protected (Eguiluz, 2014).

Consequently, the setting of the BICs becomes the stage, at least for some time, of processes and pathologies associated with the suburbs or vulnerable areas of the city centres, such as: an increase in empty shops and houses, the appearance of squatters, a change in the profile of tertiary activities, or even the appearance of phenomena linked to the so-called degrading tertiary sector (prostitution, drug trafficking, etc.). The effect on rural settings can be similar, since the limits of land around the BICs in which building is prohibited, or in which the landscape cannot be altered, reduces the possibilities of improvement in many agricultural farms, sacrificed to a better view of the protected assets.

Thus, it can be understood that there are many assets which theoretically have cultural interest, but which have not been recognised due to the rigorous conditions imposed on their use and on the limits of their setting. In order to obtain the said recognition as a BIC, a procedure has to be started to declare it a heritage resource; once this value has been recognised, it should be included in a General Registry that depends on the State Administration (General Management of the Fine Arts and Cultural Assets and of Archives and Libraries), in which its qualities are described and, supposing the asset is a property, setting out the limits of the area affected by the said declaration.

This registry is thus a source of enormous interest for discovering a part of the potential heritage of a territory defined on the basis of the five BIC categories contemplated in the law 16/1985 on Spain's Historic Heritage. The other part corresponds both to those assets that are assigned to singular protection categories, recognised only by the Autonomous Regions, and also to those other assets (moveable or immovable) that are simply in an inventory or those that are integrated into the Intangible Cultural Heritage.

II. SPATIAL DISTRIBUTION OF THE BICs IN SPAIN

A territory's heritage should be analysed from an integrating perspective that considers the close relationship between all the cultural, social and historical components present in the nature of each asset. At the same time, heritage should be treated taking into account the plural nature of the aspects that contribute to identifying the singularity and cultural diversity of the different territorial spheres in which it is situated. Parting from this premise, and having recognised the strategic importance of all the BICs that have been declared so, and which are included in the General Registry of BICs, it is necessary to show the different treatment of heritage by the State and the Autonomous Regions over the last few decades, something that is justified by the ample diversity of typologies forced to coexist and be managed.

It is of interest to analyse the importance of the presence, or existence, of heritage assets in the contribution to the development of public policies for their protection and conservation, in the articulation of territories where similar signs of cultural identity come together, and in the definition of strategies for a better evaluation and use of the said assets. It is also necessary to evaluate the participation of these assets in the creation of «Territorial Heritage»: a concept that includes not only the inherited assets and objects, the landscape characteristics of a territorial scope, the transmission of uses, customs and traditions, and the way to occupy and use a space (Calderón & García, 2016-a); but also all those tangible and intangible elements that make them different and unique, while also contributing, as a whole, to the construction of the identity of a people or community and to the generation of a feeling of social cohesion and attachment to a particular territory.

Being conscious of the singularity of these combinations that give character to each «*territorial heritage*», and that it is thus possible to

contribute to the cultural, social and economic development of a particular territory, over the last few years, the Autonomous Regions have been carrying out a series of projects and proposals to evaluate their heritage assets. Most of them are aimed, on the one hand, at the preservation and conservation of the recognised or catalogued assets, and on the other, to encourage their use and thus profit from a greater social return from these same assets and from the public investment carried out.

Detailed knowledge of the characteristics and singularities of the spatial distribution of BICs in Spain would explain, at least in part, the different treatment that the Autonomous Regions grant them, in both their definition and the diversity of political activity and regulations designed to develop their competences in the field of cultural policies.

1. BICs IN SPAIN: NINETEEN SOURCES OF INFORMATION, A SINGLE REGISTRY

The Ministry of Education, Culture and Sport, on its website, offers the possibility of consulting a database with those assets that the Autonomous Regions and the State have decided to catalogue as BICs. There, the basic file showing the identification, description and legal-administrative situation of these BICs can be accessed². This database refers to two instruments for protection: the General Registry of BICs and the General Inventory of Moveable Assets. The former, which has real territorial significance, is mainly made up of properties, in accordance with what was established in the Law 16/1985, article 14.1, where they are classified into five main categories: Monuments, Historic gardens, Historic ensembles, Historic sites and Archaeological Zones, and additionally Museums, State Libraries and Archives.

However, the information concerning BICs contained in the Ministry's database does not coincide, in either number or types or classes of assets, with those offered by the Autonomous Regions. This is principally due to the introduction of new typological and protective criteria not contemplated in the state law. In other words, while the State respects the five classes of assets included in the Law of 1985, the Autonomous Regions have incorporated new types of assets or they have modified the classification of some of them. For instance, the BIC category known as *Historic sites* is very interesting, as in some regions these are known as

2. <http://www.mecd.gob.es/bienes/cargarFiltroBienesInmuebles.do?layout=bienesInmuebles&cache=init&language=es>

«Site of ethnological-ethnographic interest», or «Paleontological Zone», or «Historic routes», among others (see Table 2).

On the other hand, consulting the information of each Autonomous Region has its difficulties: not only because of the lack of unity in the criteria for classifying the assets or the need to deal with nineteen different sources of information, but also in accessing the databases themselves. While some Autonomous Regions offer files on their websites with detailed information concerning the assets in formats that can be spatially analysed using Geographical Information Systems, others provide closed lists that make the task more difficult. In some cases, they do not even allow the assets to be georeferenced, as no location identifier, such as the municipal code of the National Institute of Statistics, appears (Carve *et al.*, 2010; Torres *et al.*, 2012). Finally, it is also frequent for the information on assets not to be directly accessible to citizens and they have to solicit the information from the corresponding administrative services.

Considering these limitations, we have chosen to use the only complete, homogeneous source available to us, that provided by the Sub-directorate General for the Protection of the Historical Heritage of the Ministry of Education, Culture and Sport. The use of this registry allows us to demonstrate the enormous territorial diversity and complexity of this heritage resource, while also revealing the unequal legal treatment from the different Autonomous Regions.

A first approximation to the territorial distribution of the BICs should take into account the enormous differences between the basic units used for this analysis, that is to say, the municipalities. There are 8,125 municipalities in Spain with very different surface areas, registered population, administrative and functional importance, or number of BICs situated in them. The average in Spain is of 5,730 inhabitants per municipality, but there are some that only have 5 registered inhabitants while the largest has over three million (see Table 3). The same happens for the surface area of the municipalities, which is generally small, with an average of almost 62 Km². However, one municipality (Caceres) is over 1,752 Km², while another does not reach 3 Hectares (Emperador in Valencia). A similar situation can be seen when we analyse the differences in the number of municipalities per province and per Autonomous Region. In the former case, while the average is around 156 municipalities per province, at the extremes we have one province that has 34 municipalities and another that has 371. In the case of the Autonomous Regions, the average is 478 municipalities, while Castile & Leon has 2,248 in 9 provinces and Murcia only has 45 municipalities.

Table 3. Territory, population and BICs in Spain

Number of Municipalities	8,125
Number of Municipalities with BICs	3,766
Percentage of Municipalities with BICs over the total number of municipalities	46.4%
Number of BICs	17,724
Average number of BICs per municipality	2.2
Average number of BICs per municipality with BICs	4.7
Total population of Spain	46,557,008
Municipality with the largest population (n.º inhab.)	3,165,541
Municipality with the smallest population (n.º inhab.)	5
Average population per municipality	5,730.1
Population of the municipalities with BICs	40,300,283
Percentage of population in municipalities with BICs	86.6%
Average population per municipality with BICs	10,701.1
Number of Provinces in Spain ⁽¹⁾	52
Average number of Municipalities per Province ⁽¹⁾	156.3
Minimum number of Municipalities per Province ⁽²⁾	34
Maximum number of Municipalities per Province ⁽²⁾	371
Number of Autonomous Regions in Spain ⁽²⁾	17
Average number of Municipalities per Autonomous Region	477.9
Minimum number of Municipalities per Autonomous Region	45
Maximum number of Municipalities per Autonomous Region	2,248
Total Surface area of Spain (in Km ²)	505,970.9
Average surface area per Municipality (in Km ²)	61.7
Largest Municipal surface area (in Km ²)	1,752.7
Smallest Municipal surface area (in Km ²)	0.026

(1) Including Ceuta and Melilla.

(2) Except Ceuta and Melilla

Source: Ministry of Education, Culture and Sport. National Statistics Institute. National Geographical Information Centre. Own elaboration.

If we look at the values for the municipalities that have at least one catalogued BIC, it can be seen that, although they are under half the total number of municipalities (46.4%), they have 86.6% of the total population. These values demonstrate an aspect that we shall set out in detail in the next section, which indicates that the BICs are mostly situated in the municipalities with the largest populations.

Table 4. Distribution of the BICs by typology and size of the municipalities according to the population in 2016

Type of BIC	Number of Assets per municipality according to population size							
	<100	100-500	500-1000	1000-5000	5000-20000	20000-50000	>50000	Total
Monument	251	1,534	1,031	3,261	3,614	2,168	2,867	14,726
Historic Garden	0	6	2	14	13	23	52	110
Historic Ensemble	22	109	82	214	211	100	254	992
Historic Site	16	69	33	69	92	70	115	464
Archaeological Zone	32	191	83	269	262	205	230	1,272
Museums	0	1	0	3	4	4	30	42
Libraries	0	0	0	0	0	3	53	56
Archives	0	0	0	0	2	4	54	60
Total BIC	321	1,910	1,231	3,830	4,198	2,577	3,655	17,724

Source: Ministry of Education, Culture and Sport. National Institute of Statistics. Own elaboration.

So, while Spain's average is 5,730 inhabitants per municipality, in the case of the municipalities with at least one BIC, this average rises to 10,701. This aspect can also be seen in Table 4, which shows the assets according to the classification of the Law 16/1985, but distributed with respect to the size of the municipalities in terms of population. It is clear that the greatest presence of assets of any type is in the most populated municipalities and those that are above the average population per municipality in Spain. They also have practically all the State Museums, Archives and Libraries.

In view of all this, it can be stated that there is, without doubt, a territorial distribution of BICs that does not correspond, exactly, to the historical importance they had in the past. The current territorial distribution, which can be deduced from the General Registry of

Heritage of Cultural Interest, responds rather to the strategic interest in highlighting those assets or ensembles that may have greater visibility, and thus greater economic-touristic use, than their real, objective importance.

2. SPATIAL DISTRIBUTION OF BICs IN SPAIN: A COMBINATION OF TRADITION AND COMMUNICATION STRATEGIES

In order to understand the importance that BICs can have in the formation of the territorial heritage, we must take into account not only the number and typology, but also the cultural strategies and policies linked to them. In a first approximation, we should at least consider the following: their degree of protection or dereliction, as the pressure exercised by other activities (such as tourism or real estate development) may endanger their integrity and character. Secondly, it is necessary to consider the importance they may have in sustaining or securing a touristic modality (cultural), in many cases as a complement to the traditional tourism of sun and beach. Finally, it cannot be forgotten that, in recent years, the modality of cultural tourism has been very highly valued and exploited in different public policies, as a means of support in times of economic crisis such as this one, especially in those provinces and regions with a weak and scarce productive fabric.

Taking the above into account, but focusing our study on the analysis of the BICs present in the two territorial units we have used for this analysis (the municipalities and the provinces), we can put forward three highly significant and relevant conclusions. The first is that most BICs are to be found in municipalities and areas where there is a larger population. Some of these areas have been very populated throughout their history, but others have undergone a more intense occupation from the beginnings of the 20th century, generally coinciding with coastal areas, large cities, the main urban and economic areas of the interior, and the islands (see Figures 1 and 2 and Tables 5 and 6). There is a positive correlation between the number of BICs in each municipality and its registered population, this value being 0.55 in Pearson's correlation coefficient between the two quantitative variables used.

Thus, and although there is a direct relation between the presence of numerous BICs in those areas with a continuous historic presence, it is also true that the presence of population and social pressure towards the defence and conservation of the heritage assets that each social group values as its own, can lead to the development of means of protection

and cataloguing. Everything would seem to indicate that both factors are closely related: there are areas with many BICs because they have maintained their population and occupation over the centuries; while there are others in which the presence of population has demanded a recuperation and protection of the assets, making good the statement that the best conservation measure is the knowledge and valuation of an asset.

The protection and cataloguing criteria and policies carried out by the different public administrations are extremely antagonistic. While some Autonomous Regions (such as the Balearic Islands) have included all their heritage assets in the BIC category and all their municipalities have at least one catalogued asset, there are other provinces that have a reduced number of assets, or those where the assets are concentrated in only a few of their municipalities³ (Table 5).

The second is, and without considering the importance that two different assets within the same category may have⁴, that the quantitative analysis leads us to the conclusion that, while some areas have a significant presence of assets, in other cases, there are great empty areas, as can be seen in six interior provinces of Western Spain, and to a lesser extent, in Ciudad Real, Albacete and Cuenca (Figure 1). On the other hand, some municipalities have an important number of assets, which reflects an ample cultural splendour in the past, as can be seen in most of the Andalusian provinces and Murcia; while in other cases, there are many municipalities with an asset in the Regions of Catalonia, Valencia and some provinces of Castile & Leon and Galicia.

Thirdly, all this only goes to demonstrate that the criteria for the initiation of protection and cataloguing proceedings respond to very different reasons. As pointed out above, there are assets that had been declared heritage prior to the Law 16/1985 and which were assimilated by the law. Others have been added in the last three decades upon the proposal of their owners and the Autonomous Regions.

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3. The Balearic Islands have at least one BIC in each municipality since, besides having an exhaustive catalogue of their assets, there is an important presence of 'talayots', which have all been declared as heritage. Other Autonomous Regions that have a high number of municipalities with a BIC are The Canary Islands (90%) and Asturias (87%). At the other extreme we have Castile & Leon (25%) and Castile La Mancha (27%).
 4. In the same category, as for instance, in that of Monuments, we can find assets with very diverse cultural significance and importance, such as castles, towers, sections of a city wall, coats of arms, cathedrals, 'talayots', rolls of justice or wayside crosses, to cite just a few examples.

Table 5. Territory, population and BICs by provinces

Province	N.º Munic. /Province	N.º BIC /Prov.	N.º Munic. with BIC	% BIC /Spain	Population Province	Surface (Km²)
Almeria	103	323	74	1.8	704,297	8,767.2
Cadiz	44	453	39	2.6	1,239,889	7,440.9
Cordoba	75	565	61	3.2	791,610	13,769.0
Granada	172	596	129	3.4	915,392	12,637.4
Huelva	79	246	66	1.4	519,596	10,148.3
Jaen	97	551	82	3.1	648,250	13,486.3
Malaga	103	352	64	2.0	1,629,298	7,307.1
Seville	105	383	66	2.2	1,939,775	14,044.5
Huesca	202	240	73	1.4	221,079	15,647.5
Teruel	236	269	89	1.5	136,977	14,810.6
Zaragoza	293	318	109	1.8	950,507	17,272.7
Asturias	78	398	68	2.2	1,042,608	10,609.0
Balearic Islands	67	3087	67	17.4	1,107,220	5,019.0
Las Palmas	34	374	33	2.1	1,097,800	4,194.4
Sta. Cruz de Tenerife	54	342	46	1.9	1,004,124	3,536.9
Cantabria	102	343	84	1.9	582,206	5,326.2
Avila	248	104	35	0.6	162,514	8,048.7
Burgos	371	218	102	1.2	360,995	14,280.8
Leon	211	133	55	0.7	473,604	15,591.1
Palencia	191	204	76	1.1	164,644	8,049.5
Salamanca	362	142	56	0.8	335,985	12,360.8
Segovia	209	156	61	0.9	155,652	6,918.7
Soria	183	170	56	1.0	90,040	10,299.5
Valladolid	225	181	69	1.0	523,679	8,108.9
Zamora	248	111	46	0.6	180,406	10,569.2
Albacete	87	187	44	1.1	392,118	14,917.3
Ciudad Real	102	129	41	0.7	506,888	19,801.1
Cuenca	238	130	47	0.7	201,071	17,128.9

4. LEGISLATION AND THE GENERAL REGISTRY OF HERITAGE OF CULTURAL INTEREST IN SPAIN, 1985-2016

Province	N.º Munic. /Province	N.º BIC /Prov.	N.º Munic. with BIC	% BIC /Spain	Population Province	Surface (Km ²)
Guadalajara	288	121	55	0.7	252,882	12,202.9
Toledo	204	261	64	1.5	688,672	15,360.1
Barcelona	311	722	240	4.1	5,542,680	7,758.0
Gerona	221	621	185	3.5	753,576	5,935.6
Lerida	231	607	188	3.4	434,041	12,193.2
Tarragona	184	471	129	2.7	792,299	6,315.7
Alicante	141	470	92	2.7	1,836,459	5,820.0
Castellon	135	350	85	2.0	579,245	6,636.7
Valencia	266	497	135	2.8	2,544,264	10,810.0
Badajoz	165	130	59	0.7	684,113	21,790.2
Caceres	223	162	71	0.9	403,665	19,889.0
La Corunna	93	167	65	0.9	1,122,799	7,996.2
Lugo	67	156	49	0.9	336,527	9,880.4
Orense	92	95	49	0.5	314,853	7,293.4
Pontevedra	62	357	51	2.0	944,346	4,511.9
Madrid	179	503	104	2.8	6,466,996	8,025.4
Murcia	45	546	37	3.1	1,464,847	11,313.2
Navarre	272	199	100	1.1	640,647	10,385.9
Alava	51	55	21	0.3	324,126	3,035.1
Guipuzcoa	88	185	42	1.0	717,832	1,980.9
Vizcaya	112	50	20	0.3	1,147,576	2,213.4
La Rioja	174	187	85	1.1	315,794	5,041.2
Ceuta	1	96	1	0.5	84,519	19.8
Melilla	1	11	1	0.1	86,026	14.0
Total Spain	8,125	17,724	3,766	100%	46,557,008	505,970.9

Source: Ministry of Education, Culture and Sport. National Institute of Statistics. Own elaboration.

The regions with the greatest historical tradition and nationalistic identity have been quicker and more diligent in safeguarding and

protecting all those things that could secure their singularity. Others have, from the very beginning, chosen to appraise their heritage assets as part of a cultural policy in which some economic development strategies have been set down (especially those based on tourism). In this way, they have tried: to attract a greater number of visitors with a higher cultural and economic level, to increase average time spent daily, to diversify their traditional offer based on the sun and beach model and to create unseasonal offers throughout the year. They opted for encouraging urban and cultural tourism, especially in the provincial capitals and the large urban centres, since, besides having an important number of BICs, they also had an ample complementary offer, as well as all the necessary services and infrastructures to attend to the touristic demand (Silva & Fernández, 2008).

It is possible to find different reasons to explain the quantitative differences in the number of BICs between one province and another. These reasons have, to a greater or lesser extent, or even sometimes in combination, produced very different results in different cases. There are municipalities, provincial authorities or Autonomous Regions that are more dynamic or proactive in declaring heritage assets, while others, for very different reasons, have not encouraged so many proceedings. Similarly, in some municipalities and districts, a greater social pressure, articulated through cultural collectives, associations, foundations, etc., have generated a demand for conservation and protection that has led to a greater number of catalogued assets.

Table 6. Territory, population and BICs by Autonomous Regions

Autonomous Region	N.º de Provinces	N.º Munic. /Province	N.º BICs /Auton. Region	N.º Munic. with BIC	% BICs /Spain	Population Auton. Region	Surface (Km ²)
Andalusia	8	778	3469	581	19.6	8,388,107	87,600.7
Aragon	3	731	827	271	4.7	1,308,563	47,730.8
Asturias	1	78	398	68	2.2	1,042,608	10,609.0
Balearic Islands	1	67	3087	67	17.4	1,107,220	5,019.0
Canary Islands	2	88	716	79	4.0	2,101,924	7,731.4
Cantabria	1	102	343	84	1.9	582,206	5,326.2
Castile & Leon	9	2248	1419	556	8.0	2,447,519	94,227.3
Castile-La Mancha	5	919	828	251	4.7	2,041,631	79,410.3
Catalonia	4	947	2421	742	13.7	7,522,596	32,202.5

Autonomous Region	N.º de Provinces	N.º Munic. /Province	N.º BICs /Auton. Region	N.º Munic. with BIC	% BICs /Spain	Population Auton. Region	Surface (Km ²)
Valencia	3	542	1317	312	7.4	4,959,968	23,266.7
Extremadura	2	388	292	130	1.6	1,087,778	41,679.2
Galicia	4	314	775	214	4.4	2,718,525	29,681.9
Madrid	1	179	503	104	2.8	6,466,996	8,025.4
Murcia	1	45	546	37	3.1	1,464,847	11,313.2
Navarre	1	272	199	100	1.1	640,647	10,385.9
Basque Country	3	251	290	83	1.6	2,189,534	7,229.4
La Rioja	1	174	187	85	1.1	315,794	5,041.2
Auton. City of Ceuta	1	1	96	1	0.5	84,519	19.8
Auton. City of Melilla	1	1	11	1	0.1	86,026	14.0
Total Spain	52	8,125	17,724	3,766	100%	46,557,008	505,970.9

Source: Ministry of Education, Culture and Sport. National Institute of Statistics. Own elaboration.

In other cases, the concentration of assets in certain municipalities and provinces may be motivated by the presence of cultural routes or itineraries that contributed in the past to an accumulation of heritage within that space, and which has now been recuperated and recognised internationally. This would be the case of the Way of St. James, where there is an important collection of properties throughout all the municipalities and provinces through which it passes. Another example is the Canal of Castile, built during Spain's 'illustration', where numerous properties have been conserved that were dedicated in times past to various activities (flour mills, mills, paper, leather or weapons factories and even shipyards), feats of civil engineering such as bridges and aqueducts, docks, reservoirs and dams, as well as numerous locks. All this makes up an important collection of industrial heritage assets that they are trying to recuperate for new purposes, giving them a new life and utility, having lost their original use.

A brief analysis of the data by Autonomous Region (without considering the enormous differences in size, number of provinces or volume of population already mentioned previously) shows that Andalusia, the Balearic Islands and Catalonia have over half the BICs

in the country (50.7%), and that, together with Asturias, the Canary Islands, Cantabria and Murcia, more than 75% of the municipalities of each region has at least one BIC. On a lower level with respect to the percentage of BICs per region when compared with the national total, we have Castile & Leon (8.0%) and Valencia (7.4%), while the two Castiles, Extremadura and the Basque Country are the regions with the lowest number of municipalities with BICs.

Finally, it is necessary to point out that the differences in the number and distribution of the assets do not only stem from the political will, but that it is related with the economic commitment assumed through the administrative act of recognising an asset as part of the heritage. As one has no relation with the other, there are many assets that are in danger of disappearing because they cannot be maintained by their owners. A good example of this is the denunciation made by the Association Hispania Nostra, which elaborated a Red Heritage List that includes those elements of Spain's Cultural Heritage that are at risk of disappearing, being destroyed or having alterations made to their essential values; this association thus hopes to make society aware of them and thus achieve their consolidation or restoration⁵.

The economic load that this entails, for both owners and administrations, means that it is those regions and provinces with the highest populations, and those that have carried through economic valorisation and utility policies for their assets (mainly through cultural tourism or as a diversifying element of the sun and beach model), which have a lower number of assets at risk in the entire country. This is true not only in terms of the total number of assets in the region in question, but also in absolute terms.

The case of the Balearic Islands is worth mentioning, since, as we have already seen, it is the only Autonomous Region in which all its municipalities have at least one BIC and it has the second highest total number of catalogued assets, yet there is only one element in danger (the Casal de Can Fàbregas building from the 15th century). This demonstrates the commitment of both owners and administration to the conservation of their assets. In the same line, it is clear from the data

5. The Red List elaborated by the Association Hispania Nostra aims to be a wakeup call to civil society, so that people may know, become aware of and act in favour of the heritage elements that are at risk. The criteria for inclusion in the list are based on the historical and architectural importance of the said heritage elements, on the state in which they are to be found and the risk they are under. <http://listaropatrimonio.org/> (Consulted 08/02/2017).

provided by Table 7 concerning assets at risk of dereliction and those that appear in Table 6, for us to be able to see that the Canary Islands, Catalonia and Valencia once more appear as the regions that have a clear relation between population density, number of municipalities with a BIC, number of protected assets and low proportion of heritage elements at risk. This demonstrates the clear relation between these variables and the safeguarding of assets. At the other extreme, we have Extremadura, with a high percentage of assets at risk and Castile & Leon with a high total number of elements in danger of dereliction.

Table 7. BICs in danger of dereliction

Autonomous Region	N.º of assets affected	Percentage of BICs in the Auton. Region
Andalusia	90	2.6%
Aragon	69	8.3%
Asturias	22	5.5%
Balearic Islands	1	0.0%
Canary Islands	5	0.7%
Cantabria	22	6.4%
Castile & Leon	236	16.6%
Castile-La Mancha	72	8.7%
Catalonia	12	0.5%
Valencia	34	2.6%
Extremadura	57	19.5%
Galicia	24	3.1%
Madrid	21	4.2%
Murcia	25	4.6%
Navarre	23	11.6%
Basque Country	12	4.1%
La Rioja	11	5.9%
Auton. City of Ceuta	2	2.1%
Auton. City of Melilla	1	9.1%
Total Spain	739	4.2%

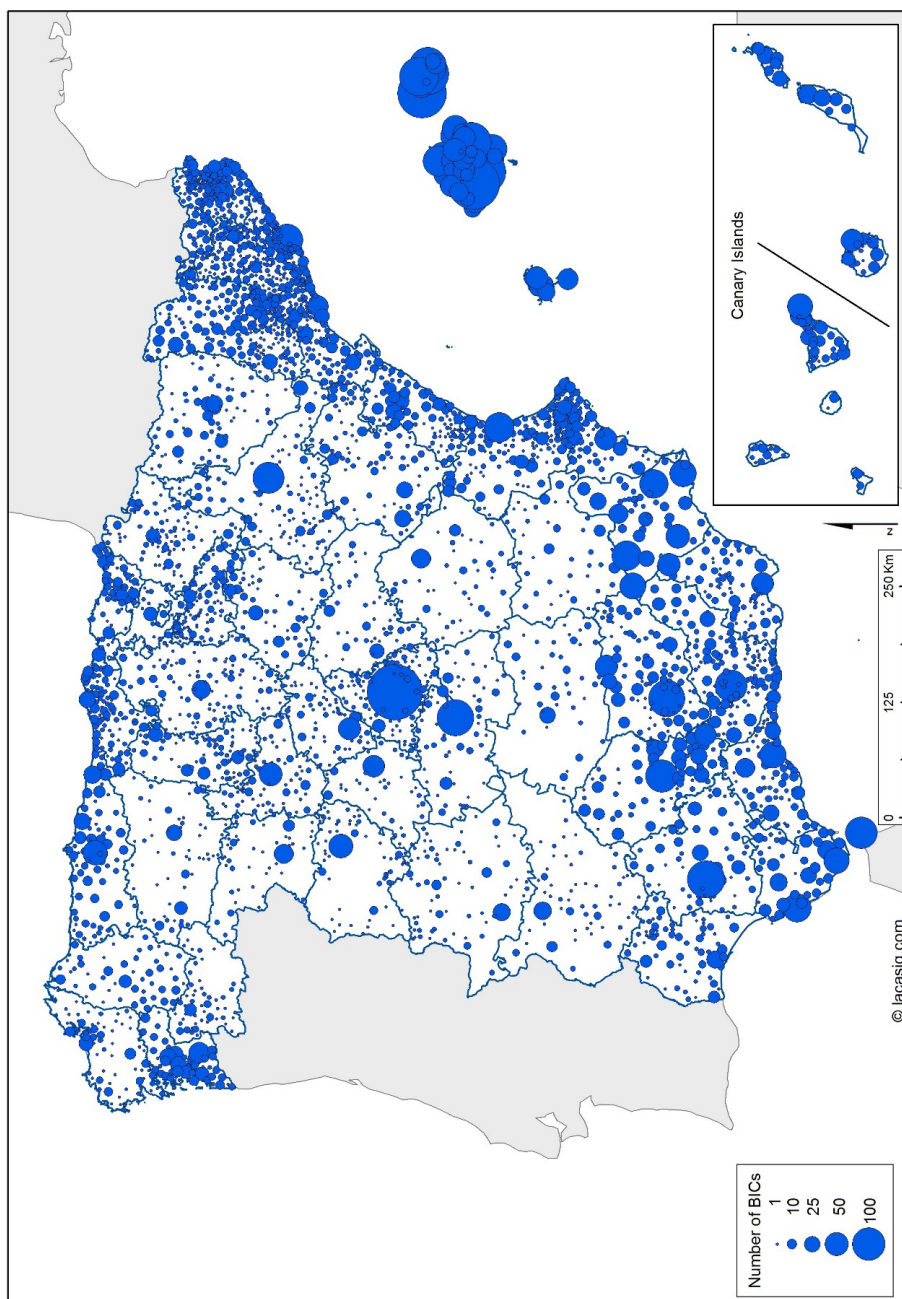
Source: Association Hispania Nostra. <http://listarojapatrimonio.org/>

The spatial analysis of BICs allows us to determine various facts: first, the large quantity and diversity of existing assets in Spain; second, their irregular distribution in the territory, not so much as a consequence of differences in the origin of the heritage, but of the diverse political strategies affecting their discovery, cataloguing and registration; and third, the presence of a greater number of assets in those areas with the most population. The interventions carried out by the public authorities concerning the care or protection of heritage assets have changed over the last few years, with a tendency to expand and adapt to the ever growing social demands for the protection, knowledge and enjoyment of heritage.

We are currently doing away with the traditional attitudes mainly aimed at researching, cataloguing and conserving heritage elements. We now find ourselves facing proposals that, in addition to maintaining the preservation and protection of the assets, also encourage their use and enjoyment by the citizens, integrating them into local and regional development strategies. For these proposals to be successful, flexible and open policies have to be designed that can combine the classic objectives of protection and conservation with the new heritage functions that must be adapted to the new context and the new social demands. All the proposed interventions should follow clearly defined approaches and criteria, in which protection and conservation measures are established, as well as fomenting social awareness.

This line of action, in consonance with the guidelines of the international conventions and national plans related to protection, conservation and enhancement, should be developed through two perfectly defined strategies. On the one hand, the diffusion of the values and importance of BICs through social awareness campaigns; and on the other, the recognition of the importance of the active incorporation and participation of all the collectives and social agents in the sustainable management processes of heritage assets. To do so, it is necessary to draw up technical and management documents that consider the inventory, cataloguing, planning and protection of heritage assets, classified with respect to their typology, importance, significance and territorial scale. These documents will later allow the development of plans, programmes and interventions that will be able to achieve the proposed aims, and in particular, the integration of heritage assets in the territorial policy and planning of each territorial area. Formulas must be found that allow a good part of the benefits derived from the existence and use of heritage assets to revert to the environment in which they are located. It is only thus that the new challenges facing the administration and management of Cultural Heritage can be met in the future.

Figure 1. Number of BICs by municipality



Source: Registry of Heritage of Cultural Interest. MECD. Own elaboration.

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