

REGULATORY MUNICIPAL ORDINANCE OF THE IMPLEMENTATION OF ACTIVITIES

LIVESTOCK FARMING ON NON-DEVELOPABLE LAND

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STATEMENT OF MOTIVES

The uses and actions permitted on land classified as non-developable are regulated in the Law 7/2002, of December 17, on Andalusian Urban Planning. The non-developable land regime is contained in the second section of the second chapter of the second title of the norm (which is made up of article 52). According to aforementioned legal precept, in its reference to article 50.B).a), in said type of soil it is allowed "the performance of the precise acts for the use and exploitation of agriculture, livestock, forestry, hunting or analogous to which they are actually intended, according to their nature and through the use of technical means and adequate and ordinary facilities, that do not involve or have as a consequence the transformation of said destination, nor of the exploitation characteristics. The works and installations that are carried out in the land is subject to the limitations imposed by civil and administrative legislation applicable by reason of the matter and, when they consist of installations or works, they must be carried out, in addition, in accordance with the applicable urban planning ".

Therefore, the autonomous legislator admits that in the land classified as not developable works or facilities needed for the implementation of livestock farms, according to the nature of the land.

On the other hand, article 52.1.C) admits in non-developable land, in addition, those actions of public interest, prior approval of the corresponding Action Project o Special Plan; urban planning instruments whose purpose is to declare a use of interest public, according to its characteristics and place of location. These are uses admitted on an exceptional basis since they are not their own and traditional soils that have to be preserved from urban development.

As expressed in the previous articles, the authorization of livestock activities on land on-developable can be done according to two categories; first of all, with the consideration of own uses, in those cases in which the characteristics of the exploitation are in accordance with the nature of the soil in which they are planted, or, secondly, prior declaration of said uses as uses of public interest, in the event that the characteristics of the operation are no longer typical of the nature of the soil in the that they intend to develop.

The activities that are considered own uses are the exploitation of livestock of smaller entity and they are those of smaller production. When the activities livestock are assimilated to industrial activities, which occurs in those cases in which the activity is detached from the nature of the land, taking place in stables, ships or farms where animals are confined with adequate food and forms of reproduction that achieve greater production. This type of exploitation ceases to be the of the land in which they are implanted and their urban viability requires that, said uses, are declared of public interest by the municipality.

In this sense, in the province of Almería, the Special Plan for the Protection of the Physical Environment (Annex 111.- on definitions and concepts) contains a definition of the activities that are intended for the commercial production of animals or their products.

"The determinations of the Special Plan are of direct application, with subsidiary character, in all those municipalities that

- a) Lack a General Urban Planning Plan or Subsidiary Planning Regulations municipal level in force, even if they have their corresponding delimitation project of urban land.
- b) Even with municipal planning, it does not contain timely determinations and for the Protection of the Physical Environment."

In addition to urban regulation, environmental protection regulations affect to livestock uses in a substantial way. Environmental regulations aim to control the environmental effects of said exploitations, since when they are developed in soils developable require special control in order to guarantee the preservation of the environmental values of the natural environment. Said standard within the Community Autonomous Community of Andalusia is Law 7/2007, of July 9, on Integrated Quality Management Environment of Andalusia.

This environmental protection standard establishes control mechanisms for the effects of these activities depending on the livestock (cattle, horses, poultry, pigs, rabbits, goat and sheep) and the number of heads thereof.

It is necessary to take into account that the implementation of livestock activities can generate conflict with other existing uses in rural areas, as well as depending on their proximity of urban centers, issues that need to be clarified for the sake of achieve a land occupation model that is compatible with the multiple interests affected by the urban planning of the territory.

The role of environmental balance played by traditional forms of livestock Andalusian in the conservation of ecosystems of high interest and the nature of resource strategy within the municipal economy are arguments that advocate in a special way for the conservation and improvement of the livestock heritage and make it clear that any balanced economic policy (in environmental and territorial terms) has to take into account account the contributions of livestock production.

From all of the foregoing, it is clear that it must be the municipality that, by virtue of its decision-making power of the land occupation model must establish the assumptions in the

that said uses are compatible with other existing uses in the municipal territory, which is carried out with this municipal ordinance.

TITLE 1.- GENERAL PROVISIONS

Article 1.- Object

The purpose of this Ordinance is to establish the minimum conditions of aesthetics and constructive quality and the necessary distances so that the implantation of uses of livestock in the municipal area of Partalooa is carried out guaranteeing urban development and proper territory.

The purpose of the ordinance is that livestock activities that require a control of its environmental effects do not cause damage to other existing uses. For this they set distances at which livestock activities must be located with respect to the soil urban and isolated residential uses. Likewise, the distances that must be respected between the livestock activities themselves, to avoid possible effects cumulative harmful.

Lastly, minimum aesthetic and constructive quality conditions are established for this type of construction to check in the license application.

Article 2.- Scope of application

The determinations contained in this ordinance are applicable in the case of implantation of livestock uses and activities in the non-developable land of the term municipality of Partalooa.

Article 3.- Definitions

For the purposes of applying the determinations of this ordinance, the definition of the following concepts:

- 1) Production animals: Animals for production, reproduction, fattening or slaughter, including animals for fur or hunting activities, kept, fattened or raised for the production of food or animal products for any use industrial or other commercial or lucrative purpose.
- 2) Owner of the Livestock Exploitation: Any natural or legal person who owns or responsible for the animals even on a temporary basis, as well as for the installation, construction or place that houses them, which has responsibility for livestock management, with or without profit.
- 3) Livestock Unit (U.G.M.): Common unit for aggregation of animals differentiated within the same species (e.g. bovine reproductive females and calves of bait) or compare different species. The tables of equivalence to UGM of each species livestock will be those determined by the applicable sectoral legislation.
- 4) Livestock exploitation of production and reproduction: Those that maintain and raise animals, either with the aim of obtaining a profit from their productions (including select animals, semen or embryos), either for their destination for family consumption.
- 5) Extensive livestock exploitation: That in which the animals are not housed nor are they fed within the facilities permanently, feeding fundamentally through the direct use of the agroforestry resources of the exploitation, mainly through grazing, and being able to receive food supplementary, without exceeding, as a general rule, a livestock load of 1.5 U.G.M per hectare. In case of exceeding the total stocking rate of the farm 1.5 U.G.M. by hectare, will be considered intensive exploitation.
- 6) Intensive exploitation: That in which the animals are housed and are permanently fed within the facilities.

- 7) Mixed Exploitation: That in which parts of the production systems coexist intensive and extensive, among which ruminant farms based on in a management system based on grazing during the day, outside the base territorial exploitation, and housing during the night, at which time they can receive supplemental feeding.
- 8) Bovine feedlot: That farm dedicated to the fattening of animals of the species bovine, with subsequent direct and exclusive destination to the slaughterhouse.
- 9) Exploitation of dairy cattle: that livestock exploitation of animals of the species bovine whose purpose is the production and, where appropriate, marketing of milk or dairy products, and in which cows are milked for that purpose.
- 10) Intensive sheep farming: That livestock farm of animals of the species sheep that use a livestock production system housing the animals in the same facilities where they are supplied with a diet fundamentally based on fodder, and not leaving it for the use of pastures.
- 11) Intensive pig farm: That livestock farm that uses a system of livestock production housing the animals in the same facilities, where they are supplies a diet fundamentally based on compound feed, including exploitation in the open air, called camping system or cabins. Will include the mixed farms as defined in Royal Decree 324/2000, of March 3, by which establishes basic regulations for the management of pig farms and their modifications.
- 12) Poultry meat exploitation: Any installation, construction or, in the case of farms in the open air, any place in the territory of the Municipal District used for raising or keeping poultry for meat production.
- 13) Poultry exploitation of laying hens: Any installation, construction or, in the case of farms in the open air, any place in the Andalusian territory used for breeding or keeping of birds for the production of eggs for consumption.
- 14) Poultry Breeder Farm: A facility including a farm used for the breeding or keeping of breeding birds, for the production of hatching eggs.
- 15) Poultry: They will be the species included in Annex I of RD 479/2004 of 26 March, which establishes and regulates the General Register of livestock farms or Standard of equal or higher rank that replaces it.

Article 4.- Classification of Livestock Activities

For the purposes of applying this Ordinance, three classes of farms are established livestock: small, medium and large.

4.1- They are considered "Small Exploitation", in those cases where the number of head of the holding is equal to or less than that reflected in the attached table:

EXPLORACIONES QUE TIENEN LA CATEGORIZACION DE "PEQUEÑAS"	
TIPO DE GANADO	Nº DE CABEZAS y/o PLAZAS
Aves de corral	Menos de 150 gallinas ponedoras (o nº de nitrógeno equivalente para otras orientaciones productivas o especies.)
Porcino	Menos de 20 plazas de cebo de más de 30kg. Menos de 25 plazas de cebo de más de 20 kg

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Caprino	Menos de 100 plazas.
Vacuno	Menos de 25 plazas de ganado vacuno leche. Menos de 30 plazas ganado vacuno cebo.
Cunícola	Menos de 150 plazas
Equino	Menos de 10 plazas.
Apícola	Menos de 15 colmenas
Perros	Menos de 10 perros
Especies no autóctonas (las	Hasta 50 ejemplares o UGM.

4.2.- They are considered a "Medium Farm", in those cases where the number of heads of the farm is between the thresholds defined in the attached table:

cuadro adjunto:

EXPLOTACIONES QUE TIENEN LA CATEGORIZACIÓN DE "MEDIANAS"	
Aves de corral	Entre 150 y 40.000 plazas de gallinas ponedoras (o equivalente de nitrógeno para otras orientaciones productivas o especies). Entre 300 y 55.000 plazas de pollos de engorde.
Porcino	Entre 20 y 2.000 plazas de cebo de más de 30 kg Entre 25 y 2.500 plazas de cebo de más de 20 kg Entre 10 y 750 plazas de cerdas reproductoras.
Ovino	Entre 100 y 2.000 plazas.
Caprino	Entre 100 y 2.000 plazas.
Vacuno	Entre 25 y 300 plazas para ganado vacuno de leche Entre 30 y 600 plazas de ganado vacuno de cebo.
Cunícola	Entre 150 y 20.000 plazas.
Equino	Entre 10 y 50 plazas.
Apícola	Entre 15 y 150 colmenas.
Perros	Entre 10 y 30 perros.

4.3.- They are considered a "Large Farm", in those cases where the number of heads of the farm is equal to or less than that reflected in the attached table:

4.3.- tienen la consideración de "Explotación Grande", en aquellos casos que el número de cabezas de que consta la explotación es igual o menor al reflejado en el cuadro adjunto:

EXPLOTACIONES QUE TIENEN LA CATEGORIZACIÓN DE "GRANDES"	
Aves de corral	Más de 40.000 gallinas ponedoras (o nº de nitrógeno equivalente para otras orientaciones productivas o especies). Más de 55.000 pollos de engorde.
Porcino	Más de 2.000 plazas de cebo de más de 30 kg. Más de 2.500 plazas de cebo de más de 20 kg. Más de 750 plazas de cerdas reproductoras.
Ovino	Más de 2.000 plazas.

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Cunícola	Más de 20.000 plazas.
Equino	Más de 50 plazas
Apícola	Más de 150 colmenas.
Perros	Más de 30 perros.
	Más de 150 animales UCM

Article 5.- Definition of population center, scattered rural habitat, isolated dwelling and work center on undeveloped land.

For the purposes of applying this ordinance, the population center shall be understood as the land classified as urban or developable land by the General Planning applicable to the municipality of Partaloa, as well as the delimited scattered Rural Habitats.

The Disseminated Rural Habitats (HRD) will be the following:

- HRD "Piedra Amarilla"
- HRD "Cerro Gordo"
- HRD "La Cañada Honda"
- HRD "Retamar"
- HRD "Campillo"
- HRD "Cañada/Cerro Cruz"
- HRD "Lentisco"

The following will be considered isolated dwellings or lodgings on undeveloped land:

- Those built with a municipal license.
- Those that have the legal certification of being out of ordinance.
- Those who have obtained the recognition of being in a situation of assimilated to out of order (A.F.O.).

Those buildings located on undeveloped land where a non-livestock economic activity is carried out, which implies their regular occupation during a certain period of the day that have been authorized by municipal license, Action Project or Special Plan, or have the certification of being in a legal situation of out of order or have recognized their situation of assimilated out of order (AFO).

Article 6.- Distances

The distances established in this ordinance shall be understood as the radius, taking as origin any point on the perimeter of the building where the operation is carried out (the stable, apiary or the slurry pond, if any).

In the event that on the same farm or group of several farms, a livestock farm is developed simultaneously with another type of activity (agricultural, social utility, etc.), in order to respect the minimum distances, it may be considered that the facilities they are part of the same unit and a minimum distance between the livestock buildings and the rest of the buildings of the farm or group of farms will not be required. In order for the exception in the preceding paragraph to occur, the concurrent activities must be carried out by the owner of the livestock farm or, together with the authorization request, an express agreement must be provided between neighboring parties formalized by means of a public document. The agrotourism facilities will also be understood as a unitary action and therefore, compliance with the distances between the facilities that are part of the activity will not be required. On the other hand, these activities must respect the minimum distances depending on the type of livestock, to population centers, scattered rural habitat, isolated housing or work center.

A.- Distances to be respected for: cattle and pigs.

DISTANCIAS A RESPETAR EN LA IMPLANTACIÓN DE NUEVAS ACTIVIDADES GANADERAS (METROS)		
Elemento respecto del que se ha de guardar la distancia	EXPLOTACIÓN PEQUEÑA	EXPLOTACIÓN MEDIANA O GRANDE
NÚCLEO DE POBLACIÓN O HÁBITAT RURAL DISEMINADO, VIVIENDA AISLADA O CENTRO DE TRABAJO	1.000	2.000
A OTRA EXPLOTACIÓN PEQUEÑA	1.000	2.000
A OTRA EXPLOTACIÓN MEDIANA O GRANDE	2.000	2.000

B.- Distances to be respected for: goats, sheep, poultry, horses, dogs and rabbits.

B.- Distancias a respetar para: caprino, ovino, aves de corral, equino, perros y cunícidos.

DISTANCIAS A RESPETAR EN LA IMPLANTACIÓN DE NUEVAS ACTIVIDADES GANADERAS (METROS)		
Elemento respecto del que se ha de guardar la distancia	EXPLOTACIÓN PEQUEÑA	EXPLOTACIÓN MEDIANA O GRANDE
NÚCLEO DE POBLACIÓN O HÁBITAT RURAL DISEMINADO, VIVIENDA AISLADA O CENTRO DE TRABAJO	500	1.000
A OTRA EXPLOTACIÓN PEQUEÑA	500	1.000

C.- Distances to be respected for beekeeping operations.

C.- Distancias a respetar para explotaciones apícolas.

DISTANCIAS A RESPETAR EN LA IMPLANTACIÓN DE NUEVAS EXPLOTACIONES (METROS)		
Elemento respecto del que se ha de guardar la distancia	EXPLOTACIÓN PEQUEÑA	EXPLOTACIÓN MEDIANA O GRANDE
NÚCLEO DE POBLACIÓN O HÁBITAT RURAL DISEMINADO	400	400
A OTRA EXPLOTACIÓN GANADERA NO APÍCOLA, VIVIENDA AISLADA O CENTRO DE TRABAJO	100	100
CARRETERAS NACIONALES, AUTOPISTAS O AUTOVÍAS	200	200
RESTO DE VÍAS DE TRÁFICO RODADO	50	50

Article 7 Special protection measures

1. The application of herbicides on the edges of municipal roads is prohibited.

In any case, a distance of 1 m from the edge of the road will be respected without application herbicide

2. The application of herbicide on farms that are not fenced must be indicated clearly and conspicuously.

3. The installation of barbed wire or any other element that could be physically harmful to cattle in the peripheral fences of farms at a height less than 1.5 m

4. The transit of animals through the urban area will need express authorization, except on key dates: Local festivals, activities related to cattle shows

5. The hives must be marked, running the signaling on behalf of the beekeeper. The signs shall meet the following dimensions and characteristics:

- They will be installed in visible places on highways, roads and cattle trails, in the distances indicated in this ordinance, indicator boards of the proximity of an apiary with the epigraph "CAUTION BEES", with letters indelible black 6cm high on 20x35cm yellow tablets.

Article 8.

Characteristics of the holdings.

Livestock farms must meet the following minimum conditions:

- Have a perimeter fence, made with masonry fence or mesh metal thick enough to prevent the passage of animals.

They will also have a plant barrier as a visual screen to mitigate the impact of the facilities on the agricultural landscape of the municipality.

- Have a sanitary ford at the entrance for the disinfection of the wheels of the vehicles.

- In the event that the sector regulations require it, they must have tanks, which will be watertight, for the storage of manure and slurry, before its disposal, as well as all the necessary facilities to avoid the propagation of odors and the proliferation of harmful or annoying insects.

- Have a sufficient ventilation and lighting system, both in terms of quality as in quantity, to allow the normal development of animals and workers who serve them.

- They will be isolated buildings, using basic typologies, with volumes simple and constructive and material solutions with the minimum of elements different necessary, proportions and rhythms in tune with a clear predominance horizontal of the building, adapting and in any case to the environment.

- Exterior walls will be treated with a minimum plaster coating mortar, finished in white or other tones. Enclosures will be accepted prefabricated elements (alveolar slab, decorative concrete block, panel sandwich, etc.), provided that the exterior finish is in the shades above specified and masonry wall enclosures executed with stone of area. Vertical cladding solutions of the corrugated sheet type will not be accepted, galvanized steel panels, fiber cement or others that leave the elements visible of the outer leaf.

- The roofs of the stables will preferably be gabled or curved, executed with sandwich panel, ceramic tile or lacquered steel plate or galvanized

Article 9. Process

1. The promoters of the uses or activities must present to the City Council the application for the corresponding enabling title for the development of the activity and works along with the technical documentation required by law
2. The technical documentation to be submitted must include a justification of the type of agricultural exploitation, according to the classes defined in the articles of this ordinance, signed by the technical drafter of the technical projects or technical competent.

Article

10 Legal regime

In What is not foreseen in this Ordinance shall govern the precepts contemplated in the Royal Legislative Decree 7/2015 approving the Consolidated Text of the Law on Land and Urban Rehabilitation, Law 7/2002, of December 17, on Planning Urban Planning of Andalusia, in Law 7/1985, of April 2, Regulating the Regime Bases Local, Decree 60/2010 approving the Urban Discipline Regulation of Andalusia and Law 39/2015, of October 1, on the Common Administrative Procedure of the Public Administrations, and as many others as may be applicable.

Article

11 Municipal control and inspection regime

The municipal technical services will carry out subsequent control functions and inspection granted by current legislation, in order to verify and investigate the compliance with urban legislation.

For this purpose, they will have the powers and functions regulated in Chapter IV of the Title VI of Law 7/2002, of December 17, on Andalusian Urban Planning.

PROVISIONS ADDITIONAL

Provision Additional First. Existing Facility Assumptions

In the assumptions of pre-existing installations or dwellings where the distances mentioned above will prevail (except in relation to population centers) in the right to obtain an activity license legalization or regularization of the installation or home, whichever proves greater seniority In the event of requesting a building license on undeveloped land, when the location of the projected building does not respect the distances indicated above to farms livestock, without prejudice to the corresponding urban requirements, will demand the resignation of the applicant in writing to the present or future requirement of the distances.

The seniority must be demonstrated and valued as a whole documented: farm book or livestock book, affidavit, verified testimony of neighbors or other evidence admitted by law When there is the case of two or more agricultural and livestock farms and dwellings that come from originally from a unitary holding group that has been divided, will not be taken into account the distances between farms and dwellings regardless of their size.

Provision Transitional First. Regularization of existing farms

Establishes a transitory period for all farms that have license, recognition of being in a legal situation outside of ordination or have obtained the recognition of assimilated to out of order, which for reasons of expansion urban planning, are currently within the following population centers:

- HRD "Piedra Amarilla"
- HRD "Cerro Gordo"
- HRD "La Cañada Honda"
- HRD "Retamar"
- HRD "Campillo"
- HRD "Cañada/Cerro Cruz"
- HRD "Lentisco"

They will dispose of a transitory period of 10 years to regularize their situation, with the consequent displacement or dismantling, under cover of a provisional license, with the conditions set forth in the following paragraph.

During this period, these farms must observe certain conditions of cleaning of the facilities, such that the inconvenience they cause is minimized as much as possible: daily cleaning of stables, manure may not be accumulated near the holding of stables, disinfection and disinsection of the corral especially in summer periods, or in any time by request of the City Council.

Provision Second transitory.

Exploitations in process

In relation to the activities that are in the processing phase at the time of entry into force of this ordinance must adapt to the determinations that are contain in the same

Provision derogatory

remain repealed how many municipal provisions of equal or lower rank are oppose the provisions of this ordinance.

Provision final. Entry into force

This ordinance shall enter into force fifteen business days following the date of its full publication in the Official Gazette of the Province.