

INU  
Istituto Nazionale di Urbanistica

# REPORT ON THE STATE OF PLANNING

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### **1. PLANNING AND DEVOLUTION**

Over the past ten years, new regional and national legislation has attempted to experiment

actions integrating *formal rules* and *real practices*. A planning model based on a rigid institutional and policy hierarchy is giving way to

one that recognizes the increased autonomy of a variety of actors.

Strangely enough, the partial implementation of the former system is speeding up the process of "hybridization" between *regulatory aims* and *collaborative actions*. On this converging path, a new regulatory system is almost in view, and perhaps a debate on the reform of town planning should again be opened.

#### THE NATIONAL PLANNING SYSTEM: 1945-1977

The planning system was defined for the first time in the 1942 town planning law. Conceived by the so-called "rationalist" wing of the Fascist movement, the proposed planning system was a strongly hierarchical one, based on the strict control of urban and regional spatial development and on direct action by the national government. By and large, this was a clear system, based on two types of plan: a city's Master Plan (the *Piano Regolatore Generale, Prg*), and a regional strategic scheme, the Territorial Coordination Plan, (*Piano Territoriale di Coordinamento Ptc*). Such plans corresponded to two institutions: the municipalities and the national government. The most widespread level of planning has been the Master Plan. The *Prg* provided a framework of policies as well as a detailed zoning scheme, and major street layouts. It assured development rights and building regulations. The most important amendments to the Town planning Law n. ° 1150/42 was the "Bridge law" of 1967 and the Joint Ministerial Decrees of 1968 introducing mandatory taxes to provide land for public uses. The *Ptc* could be prepared at any moment in time with the dimension deemed appropriate. It could face the widest variety of territorial problems and especially those considered of government interest. However, in the post-war period, very few *Ptc* were prepared and basically none came into effect.

At the end of the '70s and in the early '80s, the first stage of planning activity began. It sought to apply the new regional laws and then to approve their town-planning instruments. In fact, the first regional territorial plans date from this period.

#### THE JIGSAW OF THE REFORM PROCESS

The complex and articulated planning system designated by Law 1150/42 was never fully structured, nor rendered operative in terms of attribution of powers, functions, competencies, resources, etc. Thus, the reform process has advanced progressively over the past 30 years in a time span significantly greater than that which was necessary to start.

#### Not really mastering

The planning of the 8,103 Italian Municipalities is still entrusted to an instrument that has quite different features from those used elsewhere in Europe. In fact the 1942 *Prg* prescriptively regulates the land-use of the entire municipal territory. In terms of zoning, it rigidly controls

heights, densities, typologies, precisely defining buildings to be conserved, as well as the location of services and infrastructure. More than a general plan (the master plan of rationalist origin or the "Structural plan" adopted in many European countries), it tends to take shape as a "detailed global plan." It is, in effect, a rigid instrument, except that, precisely due to this prescriptive rigidity, it is subject to continuous variance processes. In the reformist tradition, it has been represented as a "mirror" of local power, amplifying the opposition between an institution's regulatory powers and market forces.

The master plan is widely acknowledged as inadequate to address present urban conditions. Undoubtedly effective in the period of urban expansion, today it appears far less effective for guiding urban transformation. Moreover, despite efforts made by many regions to amend their archaic town-planning laws, the current municipal plan is, in spite of everything, an anachronistic and "*dirigisme*" product. Furthermore, it was based on an implementation model requiring expropriation of large land extensions, hardly practicable today. In light of the 1980 Constitutional Court ruling stating the unconstitutionality of expropriation indemnities not coherent with market value, and after a very recent sentence (n° 179 of 1999) established that town-planning restrictions may be reiterated for a further five years only on condition that the owner is paid a further specific indemnity, the whole conception of the *Prg* now appears inadequate.

One can basically speak of three "regionalizing" waves.

- The first was in 1970-72, implemented by a partial transfer of functions from the national government to the regional ones, with the Dpr 8/1972 decree. Among these, for the first time, were administrative functions in the town planning sector, which until that moment had been exercised by the peripheral organs of the central government.
- A second "regionalization" stemmed from Law 382/1975 delegating the government to implement the regional system. This delegation was developed in the fundamental decree Dpr 616/1977 which established 15 Regions (five boundary regions having already reached special statutes and greater autonomy).
- The third "regionalization" wave started with Law 59/1997 and the Dlgs 112/1998 decree affirming the principle of subsidiarity for all institutional levels and granting further devolution of powers towards local autonomies. Few functions were left to the central government while everything else not thus defined was the task and the function of the regional governments and the local authorities.

### **The design of a two-tiered planning reform**

In 1995, these underlying premises led INU to formulate an outline reform that has since been taken up by various political forces and has been under discussion in Parliament since the end of 1999. The proposed new *Prg* was divided into two instruments, the Structural Plan and the Operative Plan. This dual structure stemmed from the idea of separating planning strategies from plan regulations.

According to a common practice, however, innovative practices are tested locally before the actual passing of a general reform law. Some experiments have been facilitated by regional laws based on INU's proposal (Tuscany, Umbria, Liguria, Basilicata, Emilia Romagna), even if they are still conditioned by the old system, especially regarding the operative plan, too often similar to the old *Prg*. Innovation regards the design of structural plans, and ways of transferring development rights; policy priorities turn to "urban sustainability," public transport and mobility, and urban rehabilitation.

### **NATIONAL GUIDANCE**

The national government is left with function of guidance and coordination and with the responsibility of delineating the "Italian Spatial Development Perspective" (ISDP) -already mandated in Dpr 616/77 and reiterated in Dlgs 112/98. It is also expected to carry out the reform in the fundamental principles of territorial government (and of town planning) that can no longer be postponed. So far inertia has limited unitary, intersectoral management. This is coupled with fears of the risks of a certain kind of centralism (all the more groundless, the more the ISDP may be conceived as a synthesis of the region's frameworks). The ISDP would have given effectiveness to the government's participation in European decisions and to the development of the Mediterranean basin.

However, system policies are still fairly poor, such as those regarding the Alps, the Appennines, the coasts or the islands, etc. The new structural fund planning has recently and positively drawn attention to the "integration" of territorial policies, which should eventually lead to the drafting of the ISDP.

### **NATIONAL TRANSPORTATION POLICIES**

New guidelines for transportation planning (the so called General Transport Plan – GTP) are intended to fill a gap in national planning. Having identified current critical points in the transport system and formulated scenarios for the mobility of persons and goods, the GTP proposes strategic guidelines and the actions necessary to achieve them, along with monitoring and other methodologies to verify the proposed policies. The new transportation document proposes a change from a more traditional logic, which considers the sector of investment in

infrastructural works as a heterogeneous whole responding exclusively to sectoral criteria. Instead, it seeks to act as an instrument for implementing EU principles of subsidiarity and non-discrimination, of reducing environmental pollution levels, increasing safety, and of support for the country's production and efficiency. It is a plan that seeks dynamism through continuous updating and refinement and the monitoring and verification of the proposed actions.

The innovative criterion recognizes an integrated system of facilities and services of national interest. Priority measures to be carried out in the medium-long term are identified.

However, in spite of a number of important innovative components, a sectoral outlook still seems to prevail in the GTP and territorial aspects, in fact, are weakly considered remaining substantially sectoral.

### **General Transport Plans**

Ten years after the start of the transfer of competencies to the regions as per the Dpr 616/77 decree, the earlier 1986 GTP identified an infrastructural system. It was subdivided into sectors and structured in multimodal corridors with transversal connections, port systems, airports, interports and urban areas for the actuation of integrated projects. It was largely conditioned by the initiatives carried out autonomously by the principle actors (primarily the government owned railroad company, the railway lines under concession, ANAS -the national road agency- and the highway concession companies, but also by the ministries in charge of maritime, air and goods transport). Law 160/89 supplied methodological guidelines for the drafting of the GTP and attributed more powers to the ministry but led to minor revision in '91.

In the immediately ensuing years, numerous Regions drew up their own instruments. Between 1988 and 1990 the plans for Marche, Valle d'Aosta, Friuli-Venezia Giulia, Veneto, Puglia, Tuscany, Umbria, Basilicata, Liguria, Campania, Abruzzo, Molise, Sardinia and Sicily saw the light of day, and Piemonte started drawing up its second GTP.

The new GTP began in '98, when the National Transport Conference established basic scenarios, objectives and strategies for central planning.

### **TRANSPORTATION POLICIES**

On the one hand, the basic aim of the new GTP is quality improvement and the reduction of costs in public transport. On the other, it is the development of policies to manage transport demand based on sounder and more efficient economically, socially and environmentally principles. GTP proposes measures focusing on market regulation and liberalization, the programming of actions at national and local levels, and increasing the flexibility of labor

resources. SNIT provides a reference framework within which the regions and local authorities will be able to plan, design and carry out measures regarding secondary networks within their competence in a way that complements the national network.

- the railway network is to be upgraded in keeping with the most optimistic development scenarios; measures affect some 3000 km. of lines for an investment volume of about 95,000 billion lire;
- the road sector relates to an investment of about 74,000 billion lire. Some high priorities were identified for about 39,000 billion lire. Among these are: code compliance for the main motorways; completion and upgrading of the Tyrrhenian and Adriatic longitudinal corridors and the Naples-Milan (Valico variant) and Rome-Venice spurs (E45 - E55, in particular the Ravenna-Venice section); upgrading and creation of bypasses to ease traffic situations in large metropolitan hubs and decongesting of territorial conurbations; upgrading of the transversal road Sicily-Calabria-Puglia through the Spezzano-Sibari-Taranto link and upgrading of the SS 106 Ionica; modernization of the Salerno-Reggio Calabria motorway; completion and upgrading of the island axes - Messina-Palermo, Messina-Siracusa Gela, and Cagliari-Sassari.
- As for port traffic, the completion and upgrading of the transshipment hubs of Gioia Tauro, Taranto and Cagliari is foreseen along with the drafting of a project for connection and collaboration between the ports on both sides of the Adriatic-Ionian basin.
- The goals for airports to be pursued are: planned growth of the two great hubs at Fiumicino (Rome) and Malpensa (Milan) which should make it possible to keep the minimum traffic at levels compatible with the role of the two airports as European and intercontinental hubs; the growth of the remaining airports and the scheduled construction of new ones; the consideration of the possible construction of new international type airports as part of an "integrated system" logic with a view to the decentralization of traffic and to bringing the supply closer to the places of the effective origin of the demand.

#### COMMUNITY "DIMENSIONS"

At the very outset of the construction of a common vision for the European territory, exemplified in the long process described, and in part leading up to the European Spatial Development Perspective (ESDP), a number of questions of method and principle came up. Sometimes ignored, they are presented today as the subject for reflection and clarification. The ones that seem most important may be summarized as follows:

- *results that are too "top-down."* Participation in the construction of the European Spatial Development Perspective has not sufficiently involved the actors concerned with territorial planning. The regions seem only recently to have

become aware of this initiative and to different degrees in the various countries. In Italy, an attempt at self-coordination over the last two years does not yet seem to have produced any concrete results.

- *coordination of policies is still being constructed.* The requirement of intersectoral coordination received extensive promotion in the early '90s. The European Commission itself observed, during the structural fund reform process, certain contradictions and deficits in actions deriving from sectoral compartmentalization, and therefore set up an Inter-DG group with the aim of maximizing economies and effects of its policies.
- *the principle of subsidiarity clashes with the possible cogency of the Scheme.* On the basis of the principle of subsidiarity, decisions needed to be reached at as local a level as possible in reference to the proposed goal. The question had, in fact, already been raised in the Italian report at CEMAT '73, where the need was claimed for a reference framework for territorial planning giving an orientation for coherent actions by nations and supranational authorities. The last edition of the ESDP was a clear sign of a need for reflection regarding a policy issue that must fully ripen.
- *the significance of spatial development is not univocal.* The range of regional disparities and the size of the shares of the Structural Funds intended for less favored areas have appreciable weight in determining the attitude and the diversity of positions among the Member countries, and within them regarding the contents and the nature of the ESDP. The scheme is also the result of mediation between approaches which strongly focus on reducing regional differences and those seeking to promote the development of recognizable and available local resources and capacities. All member countries accept this mediation but still express different degrees of awareness, behavior and prospects.

#### **A new image of the European territory**

The idea of constructing a vision of the European territory was neither born recently nor within the European Community. It matured in the Council of Europe's work over about 25 years. In 1964, the Council of Europe Assembly decided upon the foundation of the European Conference of Ministers Responsible for Territorial Development (CEMAT) with the precise duty of examining a planning policy for European space. The "Draft European Scheme of Territorial Planning," submitted in Strasbourg at CEMAT '88, supplied numerous materials and guidelines for the subsequent strategic documents of the European Commission. The first Conference of Community Ministers for Territorial Planning and Regional Development met in Nantes in November 1989. The Conference was a success. The Member Countries declared their interest and readiness to make a common commitment to anticipating

spatial transformations and to agreeing on joint policies among themselves and with the Commission.

On the one hand, the Turin Conference (November 1990) more systematically reintroduced general themes (urban networks, transport and communications, border zones), and on the other proposed an in-depth study of the Mediterranean question as an issue for European planning and extra-Community relations. Turin was an important step in the course of the two proposals. The meeting achieved both the extension of the Interreg program to the regions of extra-Community borders (including the coasts) and the establishment of the observatory on the territorial effects of policies of EU interest. Also at The Hague (November 1991), general issues were influenced by local emphasis. The European network system previously discussed seemed to exclude, or in any case, to ignore the "peripheries" of Europe, to draw attention to the efficiency and sustainability of the development of the central territories - the areas that today count for the future of the Community.

From 1992 on, the Conferences have been more "oriented" by the preparatory work of the Committee which followed the results of the seven trans-regional studies and of the three trans-national studies launched by Europe 2000 towards the new document Europe 2000+. It was the Committee itself that matured the decision made at the Liege Conference (November 1993) to construct the EDSP, whose first official version was presented at Noordwijk in June 1997.

The document was the expression of a long process of intergovernmental cooperation. At least as originally intended, it sought to provide a "guide" for integrated territorial planning strategies of the Member States. At the same time, it was to have been an instrument for the coordination and harmonization of actions - already adopted or to be adopted - exercising a spatial impact within the framework of the Union's different sectoral policies.

#### **OUTLOOK: ANTICIPATING REFORM**

*Many things are changing very quickly, more than a report is able to master by drawing on quantitative data.*

*A reform is implemented de facto by innovative regional laws and by experiments introduced into many Master Plans in the form of sustainability and of equalizing compensation.*

*Such reform suffers from uncertainty largely deriving from the delay of national lawmakers on the issues of land use regime, simpler and fairer taxing, and the application of property rights compensation models to planning, if the object of national legislative provisions could, among other things, guarantee homogeneity and equality of*

*civil rights imposed by federalism and new welfare.*

*A number of questions have already emerged:*

- *The first regards the redefinition of the roles of the various actors in the process of achieving fully structured federalism. The direct election of mayors and of regional presidents has introduced responsible political subjects into planning activity. Many regions hastened the self-approval of plans. Forms of negotiation (agreements, conferences) underscore political convergence rather than coherence of town-planning patterns.*
- *Another question concerns increasing specialization in planning. On the one hand, various regulations, produced by the different plans, influence the environment. They are often adopted and managed by a variety of institutional actors. Growing uncertainty, conflict and diffuse skepticism surround their real utility. On the other, there are often holistic sectoral interpretations and planning niches are constructed where incomprehensible and impractical "technical-implémentative" filters are exasperated. In this sense, the relationships between various planning levels (provincial-municipal; vast area-local plans) must find a way of converging and interacting.*
- *A third question, addressed by the Constitutional Court, and which remains in the background of all planning activities, relates to the coherence of town-planning regulations with property and fiscal regimes. In any case this question renders a national town-planning reform law necessary.*

## **2. TOWARDS NEW REGIONAL FRAMEWORKS**

### **GENERATIONS OF REGIONAL LAWS**

The rethinking underlying the second-generation of town-planning laws includes and refines a vast gamut of stimuli ranging from the strictly theoretical-disciplinary to the operative, from the economic to the social, and from the socio-political to the administrative.

The pressures for reform which have generated the regional town-planning laws (LUR) over the past five years have broader-ranging effects. New, far stronger and more autonomous regions are beginning to take shape, often with the drive towards devolution. They possess numerous instruments to reshape their institutional identity. These range from new regional statutes to new regional laws.

With this strong impulse for legislative innovation, in the last decade the regions have expressed different viewpoints leading to the promulgation of:

- *comprehensive, innovative town-planning laws, combining the novelties deriving from the application of Law 142/90 with innovations in plan forms (especially the municipal one). To date, six regions that have issued organic, innovative LUR (regional urban-planning laws). In chronological order, they are Tuscany (LR 5/95), Umbria (Lr*

28/95 and 31/97), *Liguria* (Lr 36/97), *Basilicata* (Lr 36/97), *Lazio* (LR 38/99), and *Emilia-Romagna* which had already issued Lr 6/95 in application of Law 142/90 (Lr 20/00).

- *comprehensive, but not innovative, town-planning laws*, which are limited to applying Law 142/90 but without introducing other elements of innovation. Four *organic but not innovative LUR* have been issued: two in the early '90s by *Marche* (Lr 22/93) and *Friuli-Venezia Giulia* (Lr 52/91, then amended with Lr 34/97); two are very recent and concern *Valle D'Aosta* (Lr 11/18) and the *Autonomous Province of Bolzano* (Lr 137/97). Significantly, these are regions (and provinces) with special statutes. They are small and have very specific planning traditions, with the exception of the *Marche* which seems to be in favor of legislating a new and innovative LUR.
  - *a number of partial laws* which address very specific fragments of necessary innovation, at times also underlining important effects regarding plan content and their effectiveness. It is significant that as many as eight regions, some with an organic LUR, sometimes also innovative, have also promoted specific provisions, in particular regarding issues of urban rehabilitation and "integrated programs" (*Piemonte, Lombardy, Veneto, Liguria, Emilia-Romagna, Marche, Lazio, Campania*). (integrated programs are defined in Laws 179/92 e 493/93 and call for integration of public and private resources using the public resources to generate private investment as well as integrating , under one program, economic, social, cultural and planning issues).
- In terms of future intentions, at least six regions, in various ways and at various times, have explicitly declared their desire for a new organic LUR. Some are effectively working in that direction, whereas others are contradicting themselves by not carrying out their stated goals. In the early '90s, *Piemonte* had started working on a new organic, innovative LUR, but halted the initiative and then recently resumed it, going as far as defining new legislation. *Lombardy*, which had also recognized the need for an organic revision of Lr 51/75, subsequently chose the path of many disconnected amendments. *Marche*, as already stated, seems to be intending to organically renew the LUR of 1993. *Abruzzo* has drawn up an organic innovative provision, but its approval was blocked before the 2000 elections. *Molise* has withdrawn from the process of organic revision that it had started.

### Naming plans

To understand the difficulty encountered by someone attempting to draw up a balance sheet, and also what dangers (obviously together with advantages) are concealed by the overwhelming wave of federalism (widely trivialized, alas!), it would suffice to examine the various names of the territorial plans established by the regional laws. The regional one is named Regional Territorial Plan (Ptr) in

Liguria, Emilia and Piemonte, Territorial Urban Plan (Put) in Umbria and Puglia; Territorial Trend Plan in Tuscany (called "PIT", as that of Marche, which in reality means Territorial Organization Plan), General Regional Territorial Plan (Ptrg) in Friuli-Venezia Giulia, Regional Structural Outline (Qsr) in Basilicata, Regional Territorial Co-ordination Plan (Ptrc) in Lombardy and Calabria, Territorial Outline Scheme (Sat) in Sardinia, Regional Territorial Reference Outline (Qrrt) in Lazio, and Regional Reference Outline (Qrr) for Abruzzo.

### A BIRD'S-EYE VIEW

Today, regional planning shows a nation divided into two parts differing one from the other more than from provincial and municipal planning. The country's north and center have an appreciable number of territorial plans. The south is still substantially without general instruments and is characterized by a stalemate where some experiments are well concluded technically but have not been transformed into current plans (as in Calabria) or alternate with continued legislative and/or planning default in a number of regions such as Campania and Molise.

Numerous north-central regions have general policy regional territorial plans. The majority of them were drafted in the '90s: Abruzzo, Emilia Romagna, Friuli-Venezia Giulia, Liguria, Piemonte, Tuscany, Umbria, Valle D'Aosta, Veneto, and the Autonomous Provinces of Bolzano and Trento. Many regions, including Tuscany (Reg.Law 5/95), Piemonte (Reg.Law 45/97), Liguria (Reg.Law 36/97), Lazio (Reg.Law 38/99 and Emilia Romagna (Reg.Laws 6/95 and 20/00) have reformed their town-planning legislation, introducing participatory and co-operative actions into planning practice, which naturally question the consolidated hierarchical institutional system. The result is a widely articulated ensemble of regional instruments bearing witness to an on-going renewal process, which is still limited. This limitation is represented by the excessive number of plans for the same territory lacking coherent harmonization, by the scarce integration between economic and territorial planning (an integration that ought to clarify responsibilities, resources and terms) which lack monitoring and verification of the results of the actions undertaken.

### OUTLOOK: LIMITS OF THE REGIONAL SYSTEM

*The reform processes encounter a number of "difficulties:"*

- *difficulty in constructing medium-long-term urban policies due to lack of experience in negotiating without ideological viewpoints, but also difficulty in defining the "public sphere," - lying between the risk of devising it in such a way to mirror the institutions and that of transforming it into abstract concepts that cannot be measured*
- *resistance of technical structures that are often*

*“indifferent” and external to the planning process because they are overloaded with functions (new tasks - new responsibilities) and ever more poised in positions of centrality and self-defense (failure to assume responsibility)*

- *a growing “overlapping” of service structures or of external management, to which is added the problem of external managerial roles;*
- *a growing urban conflict and a crisis in the social state, as well as in its interpretation of space. This crisis is manifested in the fragmentation of urban interests, in failure to recognize the rights of citizenship, in a growing role of the “rule-less market,” in the society of minorities without representation.*  
*Alongside these difficulties belonging to the context in which the reform process is part, which the amply documented in the Report, lie other difficulties inherent in the plan itself, brought into focus by the experimentation regarding innovative planning forms:*
- *lack of instruments providing incentives for quality in the control of morphological aspects and processes determining the formal characteristics of physical transformation;*
- *uncertain legislative conditions regulating the relations between use and intervention in the definition of town-planning management;*
- *rigidity of tax rules regarding town-planning regulations (property rights), and which relate to their transferability, compressing the right of exchange;*
- *absence of a new local tax “scope” system, which is technically measurable and democratically controllable.*

### **3. INTEGRATING ENVIRONMENTAL POLICY**

#### **PROTECTED AREAS**

The experience in planning natural parks and other protected areas is decidedly well developed. Today 10% of the natural environment is subject to *specific* protection measures (generic protection such as that provided by Law 431/85 or hydrogeological restrictions deserve different consideration). Furthermore, the portion of land significantly influenced by park policies (“contiguous areas” as per Law 394/91 and other areas forming part of the same ecosystems or affected by joint dynamics) is far greater, having been estimated as lying between 20 and 25%. About two-thirds of Italian parks (a percentage not very different from the European one) have a plan. This figure questions the hierarchy of the planning process according to institutional competencies (Regions, Provinces, Mountain Communities and Municipalities). On the basis of Law 394/91, park planning can substitute, to all intents and purposes, any other form of planning and has all but a sectoral character. A second observation, pointed out by the World Nature Union, concerns the emergence of a cooperative trend in management and planning.

Several Italian experiences combine park policies and local development policies and expand actions to include neighboring areas. Alongside the traditional “regulatory” mission, parks tend to combine preservation with development choices.

#### **NATURE PARKS**

Italy's 21 national parks cover a surface area of 1,426,845 ha. As stated in the table, they differ in terms of environmental characteristics and context

The supporting Law 394/91 defines three instruments: the Park Land-Use Plan, a socio-economic future-oriented document (the *Long-term plan for compatible activities*), and the *Regulations*.

The Land Use Plan “substitutes at all levels landscape plans, territorial or urban plans and all other planning instruments” (Art. 12 of Law 394/91). Zoning distinguishes four degrees of protection: a) comprehensive reserves, b) general oriented reserves, c) protected areas, and d) areas for economic and social activity. Recent parks tend to “integrate” environmental protection and urban land use.

A number of national parks, especially those of the Central Apennine area and the Alps, have submitted their plans for approval: Dolomiti Bellunesi, Val Grande (together with the Regulations), Majella (together with the Regulations) and Monti Sibillini. Others, on the contrary, have begun their studies or the drafting of the park plan: Gran Sasso and Monti della Laga, Gran Paradiso, Stelvio, Gargano, the Casentinesi Forests, Pollino, Vesuvio, Cilento and Vallo di Diana, Circeo and the Tuscan Archipelago.

#### **REGIONAL NATURE PARKS**

Since the 1970s, the majority of Italian regions have issued laws regarding protected natural areas, the protection of flora and fauna, the protection of environmental and cultural assets, and hunting and fishing.

Advanced legislation has been passed recently regarding ecosystems, and in particular regarding the protection of biotopes (Piemonte regional law 47/95), biodiversity (Abruzzo, regional law 50/93 and 35/97) while the regulation of mining activities, earthquake risks and soil defense were, instead, had been previously introduced.

The Veneto region passed an environmental framework law seeking to overcome traditional sectoral logic. Among its peculiarities are the calling for a regional environmental plan and the subdividing of competencies among the various institutional levels, and identifying forms of co-operation among the various actors.

In the twenty years between 1975 and 1995, regional parks almost doubled in number: 107 regional nature parks were established and cover a total area of 1,294,466 ha, almost half in mountainous areas. Two thirds are situated in contexts with medium-low and medium-high



human pressure, and only 6.6% of the parks are in territorial contexts with low levels of pressure or none at all. In some regions, however, there is a delay in this process as well as in translating policies into concrete management actions, as for example in Calabria and Sardinia.

About 63% of all regional parks have a current park plan, while of them the plan is being drafted in 19%. Plan typology is diversified. Some are a mainly naturalistic, for example the first plans for the Piemonte regional parks. Some are mainly of an urban-territorial character, for example a number of plans in Lombardy. And some more recent ones are oriented towards greater integration of environmental-landscape and territorial aspects (a number of parks in Liguria, Emilia Romagna, Veneto and Lombardy). Regional park planning is, in fact, active and in evolution, and, in spite of the heterogeneity of legislative typologies, a strategic and integrated approach tends to prevail.

#### WATERSHED MANAGEMENT

A policy oriented to functional improvement of soil protection was set in motion at the end of the 1980s, empowering a single newly created Water Authority with the planning and management of water basins. A basic goal was to overcome fragmentation in the decision-making process. National Law 183/89 subdivides the national hydrographic network into three main parts:

- hydrographic basins (also referred to as drainage basins, watersheds, or hydrographic regions) which, due to their size and complexity are called "national" and for which the appointment of a Basin Authority, a mixed State-Regional organ, is envisaged. For the 11 national watersheds, affecting the territory of 14 Regions, 6 Basin Authorities have been established and are operating;
- the 18 inter-regional watersheds, for which functions relating to hydraulic works and water

resources are transferred to the regions. Of the 18 inter-regional watersheds identified by the legislation, 14 are now in operation, through agreements with the Regions concerned: *Magra, Reno, Conca, Marechia, Fiora, Tronto, Bradano, Fortore, Lao, Noce, Sinni, Ofanto, Sale and Sangro*.

- the remaining hydrographic network is to be implemented through agreements between regions.

In most cases, the draft program and the delimitation of watersheds have been defined. The majority of the hydrographic basins have conducted studies on floods, slope stability, conducted damage inventory, an atlas of hydrogeological risk, and a mathematical model of flood inflows and runoff. Authorities have set about formulating the planning instruments, first tackling the "extraordinary" (non routine) plans for areas at very high risk.

However, authorities have undertaken safeguard measures in the sub-basins or by separate functional sectors, and even consequently drawing up the relative plans.

Watershed (Basin) Plans, belatedly introduced, have a twofold purpose:

- a) to re-direct the planning system towards the wise administration of primary resources, first and foremost soil and water;
  - b) to remove soil defense and water management policies from the short-sightedness of sectoral measures, shifting to a logic of prevention.
- It should be noted that the situation of the national basins is visibly better in every aspect than that of the interregional ones. While study and research activities are fairly widespread throughout the national territory, planning actions and the definition of safeguards depend more upon the operational capacity of the various Authorities (the Arno, Po, Tagliamento, Tiber and Volturno Authorities seem ahead of the others in planning activity).

#### REGIONAL TERRITORIAL PLANS AND "QUADRI" (FRAMEWORKS)

Region	Established by law	Name	Acronym	Year approved	Landscape application
Abruzzo	LUR 18/83	Regional Reference Framework	QRR	2000	NO
Basilicata					NO
Calabria	LR 23/90	Regional Territ. Plan	PTR	being formed	for landscape part of plan
Campania					
Emilia Romagna	LR 36/88	Regional Territ. Plan	PTR	1990, being Updated	NO
Friuli-V.G.	LR 52/91	General Regional Territorial Plan	PTRG	1978, being updated	YES
Lazio	LR 72/78 & 17/86	Territorial Reference Framework	QRT	1999	NO
Liguria	LR 36/97	Regional Territ. Plan	PTR	being formed	Possible
Lombardy	LR 51/75	Regional Territ. Plan	PTR	being approved	NO
Marche	LR 34/92	Territorial Frame. Plan	PIT	2000	NO

Molise					
Piemonte	LR56/77-17/86	Regional Territ. Plan	PTR	1997	YES
Puglia	LR 56/80	Territorial Urban Plan (thematic)	PUT	Adopted	Landscape/ Envir. Property
Sardinia					
Sicily	LR 71/78	Regional Territorial Plan	PTR	being formed	NO
Tuscany	LR 5/95	Territorial Plan	PIT	2000	NO
Aut.Prov. of Bolzano	LP 20/70	Prov. Development & Coord. Plan	LEROP	1995	
Aut. Prov. of Trento	LP 26/87	Prov. Urban Plan	PUP	1987	NO
Umbria	Regional Statute	Territorial Urban Plan	PUT	2000	NO
Valle D'Aosta	LR 3/60-1/93	Reg. Urban and Landscape Plan	PRUP	1998	YES
Veneto	LR 61/85	Reg. Territorial Co-ordination Plan	PTRC	1991	YES

## REGIONAL DEVELOPMENT PROGRAMS

Region	Reference law	Name	Acronym	In force
Abruzzo				
Basilicata	LR 30/97	Regional Development Program	PRS	1998-2000
Calabria				
Campania				
Emilia Romagna	Regional Statute	Regional Development Program	PRS	1988-1990 not yet updated
Friuli-V.G.	LR 7/81	Regional Development Program	PRS	2000-2002
Lazio				
Liguria	LR 18/94	Regional Development Program	PRS	1997-2001
Lombardy		Econ-Fin. Programming Document	DPEF	2000-2002
Marche	LR 46/92	Regional Development Program	PRS	1998-2000
Molise	LR 9/90	Regional Development Program	PRS	1980-being updated
Piemonte	LR 43/94	Regional Development Program	PRS	2000-
Puglia				
Sardinia				
Sicily				
Tuscany	LR 26/92	Regional Development Program	PRS	1998-2000
Aut.Prov. of Bolzano				
LP 20/70		Provincial Development Program	PPS	1995-2000
Aut. Prov. of Trento	LP 25/80	Provincial Development Program	PPS	1996-2001
Umbria				
DC 791/00		Regional Development Program	PRS	1999-2002
Valle D'Aosta				
Veneto	LR 2/79-6/89-	Regional Development Program	PRS	1988-1990

## STATE OF PLANNING OF NATIONAL PARKS

### NATIONAL PARKS

Name	Area (ha)	Environmental Characteristics	Context	Year established	Plan
Abruzzo	43900	mountain	natural & seminatural	1923	-
Maddalena Archipelago	20200	coastal	natural & seminatural	1996	-
Tuscan Archipelago	74653	coastal	natural	1989	being drawn up
Asinara	5200	coastal	natural & seminatural	1998	-
Aspromonte	78517	mountain	natural & seminatural	1989	-
Calabria	12690	mountain	natural & seminatural	1968	-
Circeo	8400	coastal	with strong pressures	1934	being drawn up
Cilento & Vallo di Diana	181048	mountain	natural & seminatural	1991	being drawn up
Cinque Terre	3859	coastal	natural & seminatural	1999	-
Dolomiti Bellunesi	31512	mountain	natural & seminatural	1990	up for approval
Casentinesi Forests	38118	mountain	natural & seminatural	1990	being drawn up
Gargano	121118	mountain	natural & seminatural	1991	being drawn up
Gennargentu	95000	mountain	natural & seminatural	1991	-
Gran Paradiso	70286	mountain	natural	1922	being drawn up
Gran Sasso	148935	mountain	with strong pressures	1991	being drawn up
Majella	74095	mountain	natural & seminatural	1991	up for approval
Monti Sibillini	71437	mountain	natural & seminatural	1990	up for approval
Pollino	192565	mountain	natural & seminatural	1990	being drawn up
Stelvio	134620	mountain	natural & seminatural	1935	being drawn up
Val Grande	12210	mountain	natural	1992	up for approval
Vesuvio	8482	mountain	urban contexts	1991	being drawn up
<b>Total (21 national parks)</b>			<b>1,426,845 ha</b>		

Source: CED PPN, 2000

LEGISLATION ON ENVIRONMENTAL IMPACT ASSESSMENT  
EIA was first introduced in Lombardy in 1980, in

the context of the territorial co-ordination plan for the Ticino Park. EIA was required it for industrial

settlements within the protected territory. At present, EIA has been introduced in 13 regions. But as many as seven regions have not yet passed laws applying both EEC directive 85/337 as well as national legislation. These include Calabria and Sardinia, the latter so far having merely requested municipalities to call for EIA procedures when municipal urban plans are drafted and to set up an office to receive the environmental impact studies. Recently, with Art. 31 of its budget articulated in the regional law 1/99 the region has laid down temporary provisions on the subject. In Molise, the law is in the approval stage, while Campania, Lazio, Marche, Puglia and Sicily have only designated the competent organ with mere administrative acts.

The Tuscany region (Drg 1541/98) requires municipal plans to assess the environmental effects of planned development, and gives an outline of pressure, state and response indicators (in accordance with the model introduced by OECD) relating to water, air, energy, waste, soil and subsoil.

Piemonte introduced the assessment of plans and programs with regional law 40/98. Some other regional town-planning laws call for environmental compatibility or sustainability studies for territorial and sectoral urban plans (Emilia Romagna, regional law 46/88, amended by 6/95; Valle D'Aosta, regional law 6/91; Tuscany, regional law 79/98; Basilicata, regional law 47/98). In Emilia Romagna regional law 9/99 introduced the "verification procedure" for development projects with territorial dimensions greater than given thresholds in order to define whether they should be subject to EIA procedures or not.

In any case, the issue of environmental compatibility is present in numerous regional sectoral laws. In Emilia Romagna, which lacks a general law on EIA, yet does have many sectoral environmental laws (laws on waste disposal, on quarries, on soil and water protection and on noise pollution), building regulations (regional law 33/90) and urban programs contain references to environmental assessment. A number of regions go even further and, in their town-planning laws, require a balance sheet of a plan's effects on territorial resources, as in the case with Umbria and Basilicata. In all the regions mentioned, the efforts being made to integrate the assessment of environmental effects with territorial planning appear considerable.

#### LANDSCAPE PLANS

The issue of landscape, already addressed in the drafting of the Charter, inevitably links its role and contents to a broader, more integrated consideration of the territory in terms of its overall values. Our nation is in the process of practicing more organic and effective policies of protecting and enhancing the natural-cultural heritage which is, in fact, its main resource. So, it would be truly

singular if, by adhering to a conception of landscape which has received formal recognition in the Convention approved by the Council of Europe, the Nature Charter were again to propose a reductive interpretation, arbitrarily isolating ecological aspects from cultural and social ones. Concepts like "identity" or "beauty" concur with those of ecological functionality and physical integrity in the "production of quality" which should characterize new environmental/territorial policies.

In the prospect of such integration, planning horizons are bound to broaden, embracing different "figures" of plans, processes and actors from traditional ones.

Most of the regions have approved a Landscape Plan in one of the two forms allowed by the "Galasso" law (Art. 1/bis of Law 431/85), i.e. the *Regional Landscape Plan* or the *Regional Territorial Plan with Landscape Application*. In particular, the following regions have had plans in force for the last decade: Liguria, Marche and Abruzzi, Emilia Romagna, while Piemonte, Campania, Valle D'Aosta, and Sicily have recently approved new plans. Lombardy's *Territorial Landscape Plan* has been drawn up and its approval is foreseen no later than 2002. In Lazio the *Regional Landscape Plan* is being drawn up. It seeks to unify existing provincial landscape plans. Particular situations exist for the Province of Bolzano and Tuscany which referred the implementation of the protected areas to the Territorial Co-Ordination Plans (regional law 5/95) and to the three-year programs for protected areas (regional law 49/95). In Sardinia, it has been necessary to tackle a new emergency situation that occurred with the judicial annulment of 7 of the 14 Territorial Landscape Plans. Calabria and Puglia are the only regions to be absolutely without any Territorial Landscape Plan, and the Ministry of Cultural and Environmental Property had to take over powers from the region to implement their approval.

#### REGIONAL LEGISLATION WITH ENVIRONMENTAL CONTENTS

Overall, in the various regions, there is a considerable production of laws but the overall picture is lacking in uniformity. In any case, in almost all regions, the most productive legislative period coincides with the past decade in which there was a quantitative and qualitative upturn in regional legislative production.

Thanks to the necessity, or the will, to align with EU and national law, provision was made to regulate sectors previously neglected with more specific laws. Examples are waste disposal, atmospheric, electromagnetic, water and soil pollution, energy savings, and protecting forests from deforestation and fire. Interest in noise pollution is emerging but there are still few laws on the subject; so this type of pollution is often associated with atmospheric pollution. There are, however, a number of laws with clauses specifically targeted towards safeguarding both

the environment as well as public health, defining noise reclamation plans and municipal noise classification plans (Tuscany regional law 89/98) and criteria of acoustic zoning (Trentino-Alto Adige Dgp 14002/98).

Legislation relating to the formulation and regulation of information and mapping systems is still limited, although the endowing of public agencies with information systems and systematic, updated data banks constitutes an indispensable basis for actions in the environmental sector. There are but few specific laws in this regard. But in some cases, as in Puglia, while specific legislation is lacking, a start has been made on setting up the information technology network in Lecce Province and in the Alta Murgia territorial area. Provisions dealing with hydrogeological risk are likewise lacking in Puglia, where Basin Authorities have not yet been set up. Specific regional legislation is limited, in spite of the fact that many regional town-planning laws require detailed analyses of the subject in their urban plans. For example, in the case of earthquake risk, it is observed that although Calabria is a highly vulnerable zone, the region is still without any suitable specific law on the subject or studies on civil protection plans. Legislation concerning tourism integrated with protecting areas and resources has been very little addressed, even if it is predictable that there will be increased interest in this area by lawmakers in the next few years. The few laws that currently tackle the issue according to a new outlook regarding sustainable tourism development, which would mark a radical change with respect to traditional tourism legislation, are centered only on the sector's economic and spatial development.

#### **OUTLOOK: THE "TERRITORIALIZATION" OF ENVIRONMENTAL POLICIES**

*In 1999, a special advisory committee of the Environment Ministry produced a document regarding "Guidelines for environmental and territorial policy" which has shed some light on the difficulties, as well as the prospects, for an integrated vision.*

*General guidelines would integrate environmental and territorial policies going beyond political attitudes and cultural traditions that have trapped protection actions in the defense of monuments, nature reserves, and threatened species while granting public works and urban development the guiding action.*

*This "trespassing" seems to impose itself whether one begins with the territory or from the issues such as defense of biodiversity that are closely tied to the management of the economic-territorial diversification processes. The National Landscape Conference demonstrated that effective environmental protection depends amply upon town-planning and territorial policies. A new philosophy of territorial government seems*

*to be surfacing, albeit in embryo, renewing the way the consideration of hydrological resources influences the planning framework. In particular, the Po Authority has recently developed an overall strategic framework that implies radical change, going beyond the mere attempt to restore the rivers' evolutionary dynamics by stabilizing ecosystems and hydrogeological patterns.*

#### **4. INNOVATION IN LOCAL PLANS**

##### **WHICH PROVINCIAL PLANS?**

Ten years after the national Law 142/90 was enacted, the provincial planning process is assuredly and solidly under way. Eighteen provinces have an effective plans which have completed their courses, and 15 were substantially nearing completion probably at the end of 2000. 51 Provinces are at work, and only 16 provinces are late.

However, the overall picture is a composite one reflecting regional attitudes on the subject of provincial planning. Coincidence between the new provincial schemes and the renewal of town-planning legislation in some regions fostered innovation such as in Tuscany, Emilia Romagna and Umbria and, to a certain extent, Liguria and Basilicata.

However some delay has occurred in securing co-ordination among different governmental tiers in Veneto, Sardinia, Campania, Puglia and Calabria (even if Veneto, with Lr 61/85, and Sardinia, with Lr 45/89, had already granted the Provinces a certain role even before Law 142/90). Finally, a strongly differentiated national picture results from the provincial planning in progress and regional achievements on landscape and environment legislation, albeit with delays in some southern regions.

However, two other fundamental issues appear unresolved:

- the question of mobility and traffic, the contemporary city's prime question, is not resolved by acting exclusively upon infrastructure supply, but also on the demand for mobility and therefore, in the final analysis, on the city's very form and quality. Spatial development schemes are often lacking;
- the weak relationship *between spatial and economic planning*: plans are limited to environmental protection and road layout, and lack any economic integration.

##### **METROPOLITAN AREAS: CROWDED VOIDS**

In 1986, a joint Istat/Irpev working group published the results of a broad-ranging statistical survey conducted on the basis of analyses of inter-municipal commuter flows. This was carried out for the first time in Italy during the 1981 population census. The survey analyzed local Italian employment markets for the purpose of identifying sub-regional functional aggregations. Later, functional urban areas with a central

municipality having more than 200,000 inhabitants were conventionally considered metropolitan areas. In the year 2000, there were 17 such areas. In all of them the distinctive character of "urban maturity" (the tendency of the urban nucleus to express reduced or decreased growth of the population and of those employed) is evident, as opposed to markedly more positive trends in the "crowns." ([rings of smaller satellite cities surrounding the hub city](#)).

Law 142 of 1990 identified 11 metropolitan cities, slated to unify local governmental structure and prepare a unitary planning scheme. The cities involved were Turin, Milan, Venice, Genoa, Bologna, Florence, Rome, Naples, Bari, Palermo and Catania. However, metropolitan areas underwent a serious crisis because none of the major cities has taken on truly metropolitan functions. As a result, the top-down approach called for in law 142/90 was tackled by law 265/99 (to remedy the failure of the parent law) and was overturned in a federal lawsuit requiring a referendum of all the municipalities concerned. As a consequence, a local debate has been opened afresh. It faces such issues as boundaries, functions and strategic vision.

#### The lagoon "edge"

Over the last few years in the legislative debate concerning the Veneto region regarding territorial government from the "Comprensori" to law 142/90 and to the Metropolitan City, many different, original and sometimes bizarre outlooks have emerged. The positions can be divided into two groups: those calling for a "macro" metropolitan city, actually spreading beyond the present provincial confines, and those instead who postulate a metropolitan city almost completely limited to Venice's municipal boundaries.

The first hypothesis calls for a large area comprising the provinces of Padua, Venice and Treviso. This is a government for the "diffuse city" attempting to plan a "metropolis" in the making - namely the central Venetian area.

Another version impinges upon the commuting "basin" also known as the "daily urban system." A second hypothesis calls for an area that substantially coincides with the district identified in Special Law 171/73 for Venice, the "minimum threshold" for economic competition.

Finally, the most reductive hypothesis is one calling for a metropolitan city identified in the Venice municipality and taking in a few neighboring municipalities. The proposal is therefore to go beyond the present districts and maintain the city's unitary nature, with particular reference to Art. 8 of Law 265/99 "Municipal decentralization".

However, none of these hypotheses has yet obtained final approval.

#### UPDATING MASTER PLANS

Already in 1995 almost all Italian municipalities

(96.4%) had a general town-planning instrument and as many as eight of the regions had total planning coverage of their territory (Alto Adige, Veneto, Friuli-Venezia Giulia, Emilia-Romagna, Tuscany, Umbria, Marche and Basilicata). Val d'Aosta and Lazio, with only 78% of their municipalities possessing a plan, represented the less "covered" situations.

The legislative framework indicates compulsory plan renewal every ten years, i.e. an average of 10% of the territory (or of the population) planned annually. Since 1995, the average annual value has been over 10% in Emilia Romagna, almost 13% in Friuli-V.G., 9% in Marche, 8% in Valle D'Aosta, Alto Adige and Tuscany, and around 6% in Lombardy, Veneto and Liguria. In all the other regions the values stand at below 4%, and in Calabria and Sicily at less than 2%.

Aside from some apparently surprising data which should be considered in relation to historic gaps (almost everywhere in the south it is a question of first-generation planning, whereas in the north it is third, or even fourth, generation), it appears clear that, even in the best cases, the theoretical figure for ten-year renewal is far lower than the concrete possibilities.

Since 1995 planning activity has involved, in one way or another, 2027 municipalities, or 25% of the whole. This is an interesting element due both to its global dimension (about 350-400 new municipal plans every year) as well as to a trend which has progressively increased from approximately 4% in the early part of the five-year period 1995-2000 to 8% and above in the past year. In Emilia Romagna, 62% of the municipalities, and in Friuli-Venezia Giulia 71%, have renewed their town-planning instruments, making up for the age of their earlier instruments. The renewal rate of municipal planning is related to provincial planning in Valle D'Aosta, Trentino Alto Adige, Emilia Romagna and Tuscany. In the south, the low rate municipal activity is matched by low provincial activity with the exception of Puglia.

#### EXPERIMENTING NEW METHODOLOGY

In more or less brief time spans, a fair number of big cities will have completed a thorough revision of their master plans prior to the hoped-for introduction of new national legislation. Of the big cities, those with new plans approved by the regions since '87 are: Trento ('89), Turin ('95), Florence and Trieste ('97), and Pisa ('99); plans for Rome, Naples, Venice, Bologna, Palermo and Catania are under way.

#### Flexible planning in Milan

Alongside this "family" of urban plans, as well as the traditional one based on more or less rigidly drafted ones (according to Law 1150/42) is the very recent one introduced by Lombardy's Lr 9/99 and applied for the first time by the Milan city administration. According to this original approach, the general instrument is

the *Framework Document for Planning Policies*. Its purpose is to define both the administration's municipal strategies to guide public and private policies and projects as well as conditions for assessing development proposals.

The proposed scheme assures *flexibility* (or discretionary decision-making) regarding land use by the approval of *Integrated Programs* also to be activated by private entrepreneurs under the framework document.

#### TRANSFER OF DEVELOPMENT RIGHTS

In the wake of planning reform, compensation took some important steps forward on the way to legitimization in the last months of 1999. Two sentences (Constitutional Court n. 179/99 and Council of State n. 24/99) authorized re-parcellization, land assembly or other procedures granting equal returns to landowners per unit area; and allowed the practice of private legal agreements between municipality and landowners. The promotion of such agreements is deemed to share in the planning criteria, "which come within the discretionary powers of the planning authority." Stemming from this is a significant deduction regarding the practicability of compensation even without new legislation. Experimentation carried out in the most recent plans influence their structural contents. In this sense, the correctness of the ruling in the above sentence should be pointed out.

A criterion of assessment is to estimate the value of the average plot as a percentage of the whole construction allowed on the development area. Entrepreneurs may make free cessions of land instead of paying building fees.

Attention paid to compensatory areas offsets attention paid to the city's public space manifested in different configurations. For this reason, the compensation mechanism taken on in plan criteria influences the design of the city planning structure and program evaluations. As a criterion, it should be put to the attention of the municipal administration as a strategic choice, shared and confirmed in the mandate regulating the formation process of the city plan draft.

#### Urban agencies and development companies

A significant role in implementing the compensation goal of the new urban plans can be filled by the urban development companies, as per art. 17, paragraph 59, of Law 127/97. The company can act as promoter and urge the owners of property and development rights to promote the implementation of development plans, possibly undertaking technical assistance. It can press for consensus in the transfer of land lots, either by purchasing developments rights or exchanging them for a share in the proposed development, and even participate in it as well. In applying for the role of promoter, the company can gain access to

the financial concessions made available in regional or national legislation. Furthermore, it could acquire real estate rights in sale negotiations. It must necessarily care for the product's marketing, generating the right conditions, carrying out marketing actions, attending to the quality of the public space and the building products, thereby influencing project management.

#### OUTLOOK: WHO'S AFRAID OF PROVINCIAL PLANNING?

*With regard to the different characteristics of the political/administrative context and of the normative/legislative one, the traditional significance of the balance sheet on the state of planning tends to become complicated and cannot find any satisfactory formulations. What does "having a plan" mean if, in an appreciable part of Italy, no certain procedures have been laid down either regarding the formulation or approval of provincial planning instruments and if the objectives, modes and effectiveness of the entire territorial planning process are disciplined through provisions that are often profoundly different?*

*The plans are named as follows: Provincial territorial co-ordination plan (Ptcp) in Umbria, Liguria, Friuli and Emilia; Territorial co-ordination plan (Ptc) in Tuscany and Marche; Provincial structural plan (Psp) in Basilicata; Provincial territorial plan (Ptp) in Piemonte and Veneto; Provincial urban plan (Pup) in Sardinia and Trento; and Territorial plan (Pt) in Abruzzo. In most cases, the contents and procedures of formation and approval that correspond to these names vary greatly. In some cases approval of both the master plans and of provincial plans has remained firmly in the hands of the regional government. Such is the case with Piemonte, Veneto, Friuli, Umbria and, in substance at least, also Sicily and Sardinia.*

*In others, the principle of self-approval, after due verification of conformity, has gained ground in Tuscany, Liguria and Basilicata.*

*The region approves provincial plans but the province approves master plans in Emilia, Marche and Abruzzo. Lastly, in others, the master plans continue to be approved by the region, whereas the provincial plans are not approved by anyone, because the region does not even take them into consideration. This is the case in Lombardy, Calabria, Campania, Puglia and, in substance at least, in Friuli-Venezia Giulia.*

*In such a context, the sole evaluation parameter is empirical assessment based on direct knowledge of the cases and their features. The important thing is the answer to the question: Has the provincial planning process concretely started? And if so, has it reached a point of "no return?"*

## 5. CITY ACTIONS

### THE CRISIS IN LOCAL FINANCE

At the beginning of the 1990s, for the first time after decades of expansion, a strong decline was felt in the building market in Italy. The crisis stemmed from the overproduction of the 1980s, swollen by the growth of illegal building activity, which in the south constituted the main form of accumulation, as well as by the "relative demand" for new homes induced by the disappearance of the rental market. During the '80s, the building construction industry also found new market segments in the production of buildings for the service industries which was rapidly growing in all the large Italian cities. But this too quickly evaporated in the squeeze between economic crisis and technological innovation. With the economic - and not only - crisis in the early '90s, the decrease in demand accelerated greatly. The crisis demonstrates the lack of sustainability and "governability" of plans based on quantitative growth. In fact, the building crisis decreased absolute revenues. And, as of '92 the prices of houses and of other real estate decreased in absolute terms but caused growth in the differential revenues linked to specific values of the urban environment, showing the poor quality of a large part of the more recent built fabric. New market demands such as parking lots, commercial, recreational, hotel and exhibit activities emerged. These new demands took on an ever more specific character, which was, at the same time, more fleeting and more in keeping with the context's character - often with the values of accessibility - but attainable only by a supply produced in far faster times. Often, in fact, the average duration of the plans' forecasts were longer than those in which the demand became manifest.

Furthermore, the necessary investment for the essential works to sustain improvement- often network infrastructure - clashed on the one hand with the scarcity of public resources available when the balance sheets of territorial authorities were being restored. On the other - satisfying widespread needs - it also generated concentrated benefits. The path of private co-participation in the costs of public works thus appeared the natural one.

This was the context in which the so-called Complex Program saw the light of day. (see box below). They sought integration of different urban functions in order to respond both to requirements of greater effectiveness (and hence to a decrease in the time difference between the forecast of town-planning transformations and their implementation), as well as to the progressive reduction of available public resources.

### NATIONAL EXPERIMENTAL PROGRAM

After a number of anticipatory regional laws, Parliament defined the *Integrated Program* in

Art. 16 of Law 179/92 within the context of the new planning of public housing measures. The *Integrated Program* foreseen in Art. 18 of Law 203/91 to house state employees were an earlier step even of an episodic nature. This innovation was significant for pinpointing the programs' contents and their characteristics. But it was immediately cut off in the executive procedures by the Constitutional Court ruling n° 393/92. Referring for their implementation to new, but belatedly drafted, regional legislation (only in some regions and at the end of the '90s), these Complex Program were considered for a long time as extraordinary measures, and thus maintained central government's role in piloting the experimentation. In December 1994, the ministerial decrees that promoted and guided both the *Urban Renewal Program* (PRU) and the *Urban Upgrading Programs* (PRIU) were published.

The first are oriented towards the restoration/renewal of public housing and follow the accepted mechanisms of public housing: after the Ministry of Public Works had defined the rules with two decrees of 1.12.94, the regions found and allocated the economic resources.

The 21.12.94 decree permitted a vast amount of experimentation but, through the *guide* produced by the Ministry, the national selection carried out by CER and by the State/Regions Conference, it had strong central guidance regarding their most innovative features such as the promotion of partnership, and program - such as "neighborhood contracts"- with new issues (participation, social cohesion, building renewal and bioarchitecture), but neglected others (integration with private resources, strategic functions).

Finally, with Ministerial Decree 1169 of 8.10.1998, the Ministry began new experimentation with the formation of the PRUSST (Programs for urban improvement with sustainable territorial development).. While the territorial dimension of these program encompasses a broader scale, the public resources used finance projects as the terrain necessary for promoting consultation and cooperation between actors and institutions and for obtaining EU financing. The main issues in this instrument are environmental improvement and local development.

### A FAMILY PORTRAIT

Despite these differences between diverse "formats," a number of structural features enable the Complex Programs to be recognized as a family.

The first specific feature of the Complex Programs is the *integration of resources*, both in the sense that the programs induce synergy between public measures and private sector actions, as well as in the sense that private



resources integrate public ones in financing public works.

The corollary to the role of guidance and support for private investment is the *selectivity* utilized by local administrations in applying the programs to the territorial spheres. In choosing their field of action, the urban improvement policies, as opposed to the preceding building renewal policies, cannot only take into account the demand for higher quality. The difference between present and potential urban value is indeed a factor that attracts private investment, which is hard to govern with the ordinary planning practices of prescription and regulation precisely because of the strong concentration of town-planning added values. In this sense the Complex Programs, often accompanied by new forms of participation, can play a role in the social distribution of transformation benefits.

In addition, the ability of the programs to respond to the contexts' potential derives from particular attention paid towards *functional integration* from their very outset. There is great discontinuity in terms of functional zoning practices deriving from rationalist town planning. The integration sought is that of a mix of residential, tertiary and productive functions. Perhaps this originates as a contingent response to new market demand, but immediately resembles a paradigm of urban quality, above all regarding the nodes joining the mobility network and the settlement system, which might constitute the programs' ideal cultural terrain.

It is in terms of *effectiveness* that the Complex Programs reveal their principle diversity with respect to traditional executive planning. They call for feasible actions agreed upon by a partnership of public and private actors. Finally, the most significant feature of the programs, which in some way combines the various characters so far evidenced, is a *strategic approach* to urban phenomena. The Complex Programs, in fact, independent of their territorial scale, do not complete their purposes with the public works they carry out, or with the building measures they promote. This coincidence between the forecasts of the town-planning instrument and the hoped-for "final" result pertains more to "traditional" planning. The purpose of the programs appears to be, instead, the triggering of virtuous processes, the repercussions of which are very largely external to the sphere of intervention. Not by chance, the definition of integrated programs contained in Art. 16 of Law 179/92 makes reference to "a dimension such as to have an effect on urban reorganization."

#### **THE URBAN INITIATIVE**

In 1994, the European Union launched the URBAN Program after years of experience in combating poverty. The program is aimed at the economic and social rehabilitation of cities and districts in crisis. URBAN's ambition was twofold.

On the one hand, it was to promote exemplary measures whose effectiveness would catalyze endogenous growth processes. On the other hand, it sought to select difficult situations beyond the scope of ordinary public action.

The features of urban decline and social exclusion faced by URBAN are differentiated among the European nations. The most frequent are the abandoned portions of city centers utilized by a very poor population, districts of low-cost housing, and industrial and mining areas in decline. These are all typical examples in northern Europe. In Latin countries, depopulated historic centers have frequently been included. Aside from contingent situations, it is clear that different problems and opportunities have been addressed. The Italian programs underlined a number of assumptions:

1. Operating in limited areas guarantees greater visibility and more effective management in the implementation phase. In fact the programs cover districts or areas averaging 6 sq.km in size and the great majority concern just a single district
  2. The "integrated" approach allows a cumulative process with accent on improving accessibility, communications, attracting visitors and investments
  3. Effective management of such a non-routine program as URBAN helps the local political-decisional system to improve thus enabling it to gain knowledge which spurs the system of governance to tackle and resolve other social issues and problem areas on a permanent basis.
- At the beginning of 2000, the European Commission transmitted a communication to Member States relating to URBAN's renewal. In URBAN II, as opposed to the first program, the regions have sought and found roles, albeit modest ones. Will urban policies continue to be lacking, or will the regions be able to fill the gap? The answer lies in the confrontation between URBAN, new economic programming instruments, and the territorial contexts. URBAN has pursued the integration of the measures at a local scale and they have encountered some success, some strategic problems and numerous methodological uncertainties. Today the regions are striving to promote integrated territorial programs, again partly in keeping with European recommendations. This is a test not only for URBAN, but also for the regions. Even those not dealing with regeneration and urban social matters should thus understand the importance of URBAN. As the last one on the scene, it is the program that (along with Leader) has been the first to achieve assessable results. Therefore, it should cause no surprise if attention shifts to management difficulties, as a case of distributing incentives, discriminating areas or actors, or selecting those to carry out the implementation.

#### **OUTLOOK: SEEKING URBAN POLICIES**

*Over the course of the last few years, territorial governance has become enriched with new*

*instruments, manifesting the widespread trend to draw up first-time solutions to new questions, or to long-lived problems for which traditional instruments have proved ineffective. Despite the sometimes improvised and dissipative character of this experimentation, it is possible to make out some recurrent elements that might help us identify long-term trends that are bound to influence the evolution of Italy's planning system. We observe that there is great, albeit variable, effervescence of administrative "actions" and initiatives of various sorts. The decade-long experience of "complex programs" has certainly contributed significantly towards spreading a "new culture" of intervention in Italy. Hence it has contributed towards modernizing and often reorganizing administrative practices and ultimately found one of its strong points precisely in the recurrent forecasting of rapid mechanisms (even if this is often an illusion) of implementing "variances" of existing plans.*

*This "category" certainly contains the "integrated programs" and some experiments not yet being rigidly and rigorously regulated such as urban mobility plans, local Agenda 21 and so on. They encompass all those institutional "agreements" whether or not targeted at physical transformations or related to "urban" spheres (e.g. Territorial Pacts or Area Contracts, partnership for local development, hearings, consultations, participatory-design processes of planning decisions).*

*However, this current interpretation of "urban policies," which is very clearly all too broad ranging to be significant, is opposed by even more limited possible definitions. The complexity of such policies lies in balancing material and intangible actions seeking economic and social development.*

*Thus, their salient feature is involvement of the privatesector, not just in financial terms, but in terms of entrepreneurial participation, and the participation, or joint responsibility, in the local administration's decisions. Moreover, it is evident that this kind of approach profoundly modifies the very role of the (local) public administration from being the "decision-maker" to being the "promoter" or the "director." And this involves equally plainly an "administrative culture" that is very different from what was previously quite usual in Italy, and also - and this aspect should not be underestimated - a technical-professional "infrastructure" that is very different from that hitherto put to use for traditional town planning. If this reading is used, and it is certainly more discriminating than the preceding one, then the panorama of "urban policies" in Italy becomes appreciably smaller, and indeed becomes almost entirely virtual. However, the reasons for this "delay" depend upon structural or institutional causes. Some are the specific decision-making system, the organization of the public administration, the weakness of the local fiscal system, the configuration of real estate property rights, the scanty mobility of the population, the*

*formation of professional capacities in the town-planning field etc.*

## **6. THE GOVERNANCE OF SPATIAL DEVELOPMENTS**

Planning's non-institutional dimension is a subject that has been food for thought ever since the experimental phases after the Second World War. Today, the subject has come again to the fore, as the EU takes away substantial political decision making power from the states, and the global post-Fordist enterprises take on both decisive regional and transnational characterizations. In a European scenario where differences between reindustrialised regions and scarcely industrialized regions will increase, the planning problem does not seem to be one of rediscovering "homogeneous" regions or "functional" ones. Rather it seems to be that of interpreting the territories of network relations and considering this to be the dimension in which to test positive ways of acting.

The interpretative models have often glamorously sought to outstrip institutional geographies in a phenomenal-relational reading (for example, the three Italies, the Adriatic route, the industrial districts, centers-peripheries, etc.) as descriptions of interrupted landscapes and of forms of change emerging in the Italian territory (land consumption, "rooms" of the territory, local settlement spheres, molecular territory, etc.). But they have not made any contribution towards redefining government instruments of the (albeit) macroscopic transformation processes which have described diffuse settlement patterns, land consumption, etc.

Nor does there appear to be any linkage between non-institutional geographic aggregations and an institutional system that is still interpreted as perfect and hierarchical, nor again between plan instruments practiced in reality and the theoretical planning system, adhering to an institutional system called for in reform proposals. While the acceptance of this model of "unbalanced development" has, in fact, coincided with the abandonment of economic programming policies at the national scale, it has introduced a dynamic, "non-perfect" conception of relations between governmental systems and territory. This new conception has revealed the distance between theoretical models and reality, and has above all "legitimated" the possibility of testing new forms of "non-perfect" planning in the voids in the institutional and planning systems.

A not totally abstract institutional planning practice is part and parcel of these "re-territorialization" processes. They must guarantee coexistence, in both the regional dimension and between regions and cities, of different aggregational patterns in which processes of spatial deformation linked to urban life cycles (urbanization, sub-urbanization, de-urbanization and reurbanization) find a real capacity to govern.

## AREA BASED PROGRAMS

The affirmation of local development as a reference model for territorial policies is relatively recent. Moreover, integrated programs for local development are only one form of local development action. A common assumption of the measures under examination is the emergence of the "local" dimension. "Local actions" are programs that act upon an often limited but specific area. They are crucial for both decentralization and institutional revision. The area's size varies according to the type of program. But they are above all operations that utilize and enhance goods and resources which would not be perceived as such - or would not wholly appear so- at the "global" scale. Precisely for this reason, this is a different dimension from the strategic/procedural one.

Indeed, it can be stressed that the common reference to territory in programs otherwise differing greatly in their goals, background and promoters influences this process of coming closer together. Thus the central dimension of public action is one of a reciprocal learning process participated in by the actors in the single programs. This probably constitutes the main strategic resource in which to invest as the basis for the experience of integrated programs.

Beginning back in the 1990s, we can identify two main families of programs: those of urban renewal (PI, PRU, PRIU and Neighborhood Contracts) and those of economic development (Territorial Pacts, Area Contracts, and Leader or Interreg stemming from an EU impulse).

Progressive consolidation of different kinds of territorial economic programming is under way especially regarding the process of implementing specific programs, such as Prusst and the Integrated Projects fostered by the European Structural Development Fund.

The territorial element suggests that the elements for identifying an idea for development are to be sought in the territory's network of local actors. In other words, there is a certain "circularity" between the development model and the territory, which choose each other, so to speak, rather than being defined in a linear fashion.

## THE NEW ECONOMIC PROGRAMMING

The implementation of EU initiatives is not the only novelty stemming from the reform of the Structural Funds at the end of the '80s. Although these represent the specific financial instruments of European structural policy, they can avail themselves of only a minority share of the resources available for each programming period. In the EU 1994-1999 programming cycle, action was carried out on the basis of priorities regarding both productive investments and infrastructural ones. Within the context of national measures for the new EU 2000-2006 programming cycle, that logic has been completely overturned.

The most interesting aspect of the new economic

programming approach is the rediscovery of territorial elements as hubs of development action. The development model chosen for the southern area could be described as one of "compatible endogenous development." Here compatibility is understood, on the one hand, within the macroeconomic framework of national convergence, attempting to meet the requisites of the Maastricht Treaty. On the other, it is understood in terms of attention to sustainability of the growth process, especially its environmental aspects.

The growth of virtuous development mechanisms in southern Italy is closely linked to the development of the area's permanent resources (natural, cultural and human) and of its production potentials, which are beginning to emerge within local systems and in a number of urban areas. Only with the full development of these potentials can external mobile resources (savings, enterprise, and specialized labor) have access to the area with reasonable prospects of lasting success. The margin of the public operator's intervention is precisely linked to this development work. The spontaneous economic trends, in and of southern society itself, are not yet able to carry out the transformations necessary to trigger the growth process and therefore to direct the *Mezzogiorno* (the South) along the positive path of growth towards which it seems to be heading.

The public intervention outlined mainly regards infrastructure, and is therefore linked more to the constitution of an adequate *development context* than to direct action substituting private enterprise, which occurred within the framework of non-routine intervention. Public investments play an essential role for the area's development, no longer as a factor of demand, but as one of supply, able to bring about those discontinuities or threshold effects that make a "development leap forward" possible. The predominant vision is therefore one of a development process comprised of elements of imbalance and integration. Here, a concentration of efforts must be combined with a search for synergies both from the sectoral and financial point of view as well as from the economic programming action of the various government levels.

## Territorial Pacts

The Territorial Pact is a form of social partnership for the collaborative planning and design of local development. It is an instrument of negotiated economic programming introduced by Law 662/96 and regulated by the CIPE (Interministerial Committee for Economic Programming) resolution dated 8 May 1997. It entered into national legislation as the agreement between public and private actors for the identification of different kinds of targeted measures, all aimed at the development of depressed areas. More in particular, the instrument is defined by Art. 2, paragraph 203, letter "d", of Law 662/96 as "the

agreement, promoted by local authorities, social parties or other public or private actors (...) relating to the implementation of a program of measures characterized by specific objectives of promoting local development". The Territorial Pact transversally crosses various socio-economic segments. Consequently, it is not applied exclusively to depressed areas but also to those territories where there is strong determination to carry out projects and to revitalize the economic sector. The Territorial Pact is based on agreements that are *constructed* by different local actors - enterprises, local authorities, industrial and labor associations, etc. They aim at identifying such shared and integrated development objectives as productive and infrastructural. The promoters can either be local authorities, other public actors, social categories and forces or other private actors. For coordination purposes, the participants can identify a responsible actor or establish joint venture companies or ones with shares held by others. The initiatives admissible for financing, within the Territorial Pact framework, can regard the most varied sectors and, in particular, industry, agro-industry, agriculture, fishing and aquaculture, tourism, services and the infrastructural apparatus.

#### **PRUSST, THE FIRST ASSESSMENTS**

The PRUSST programs underscore the role of complex infrastructure networks (intermodal centers, metropolitan stations, interchanges, railway links). The greater percentage of investments made by these programs is in the mobility sector (more than 17,000 billion lire) compared with the more traditional sectors of housing (10,000 billion) and the social and scholastic sectors (3,000 billion). It is comparable only with the total amount for all types of economic activities proposed by the private parties in the programs (18,000 billion). 316 programs have been produced throughout the national territory. Half of these programs (127) have been admitted and assessed according to criteria defined by a national tender. The central government founded the design and technical assistance for 48 programs (one for each region - in all 21 - and 17 represented by those with the highest marks).

The following are the principle issues characterizing the programs:

- infrastructure policies targeted at the construction of both network and *ad hoc* equipment at the territorial level;
- environmental policies: reclamation and improvement of noxious and polluting industrial areas, the decreasing of pollution for factories in operation; hydrogeological works; heritage;
- policies pursuing social ends (productive activities able to guarantee permanent employment effects)
- coordination or joint participation in other

initiatives started on the basis of negotiated programming, territorial pacts and area contracts. With the PRUSST programs, a season of experimentation seems to have concluded, and the evaluation is a positive one. It is positive because these programs have sped up the processes of disciplinary revision, overcoming the historical break between public intervention (good) and private intervention (bad) in the processes of constructing the city; and above all, because they have brought to planners' attention concrete territorial issues whose coherence and compatibility must be sought exclusively in relation to other ones based on local context and with the common sense of public utility. But while the positive judgement regarding the role of the PRUSST programs is generally shared, the one regarding the effects of this instrument in terms of urban transformation and its final "utility" (the substantial improvement in the way to make plans and to govern the cities and the territory) is not equally convincing and widespread. This is also due to the extreme variety in the cases and the brief perspective made possible by an off-the-cuff assessment. However, a number of reflections can be made in this direction. They are of an intentionally "collaborative" type, i.e. aimed at improving, perfecting and assisting these processes in the phase when they are translated into design activity and seek to obtain economic resources.

#### **Co-OPERATING LOCALITIES**

A first thought is connected to the question of the final these programs' "utility." This implies a necessary verification of the plan's adaptability in redefining new territorial objects and in creating coherence with an inexplicit design, with a scheme implied on the one hand by government actions (General Transport Plan, Nature Charter) and on the other by European perspectives (ESDP, Structural Funds and its sectoral programs).

This is a relation where there is no hierarchy from center to periphery or from Europe to the local dimension. Instead, coherence is the outcome of a process of mutual verification/falsification. The overlapping of programs in the same territory define a sort of an "incremental project" made up of linked jigsaw pieces, pieces of territorial objects attached to the settlement and infrastructure schemes. This incremental project, for instance the PRUSST programs themselves, is at the midpoint between traditional planning and European schemes.

A second issue, which, in some way, derives from the first one, regards the value of these instruments as "probes" with respect to the design of the contemporary city. As opposed to the rationalist plan, the design of the contemporary city is not "given." It does not correspond to a perfect (utopian) dimension of society. Indeed, it has its implicit plan model precisely in "tentative" construction made up of

minority strife, of episodic relations, of non-central concentrations and of fragmented diffusions. Precisely for this reason, this plan has more of a need to evidence processes and instruments, both in terms of legal certainty and in terms of consensus building. But it also has greater need for technical precision, thus making it possible to evaluate the coherence and compatibility of one plan with another and among them. In this sense, the experimental modules in the PRUSST programs represent fertile ground, above all if -through evidence of the decisional phases that concern public/private relationships - they succeed in linking the complexity of the design modules, now only technical-financial, with the formation of social consensus.

A third point regards the forms of the relationships among actors. For the first time, these instruments call for cooperative, rather than alternative, terms. In fact a new contractual dimension is emerging. It ranges from the exchange of knowledge (local knowledge, institutional knowledge, project knowledge) to consultation/conciliation ("collaborative") procedures. We are emerging from an era in which consensus regarding plan choices was constructed and justified in its ablative and prescriptive forms, as a function of satisfying primary needs "measured" against conventional standards. This was a phase that we could define as "neo-contractual." Today we are facing a scenario where often-partial objectives are being redefined. Around these, it could be possible to reach a form of consensus characterized by the revelation of a public interest that acts as the support for otherwise conflicting collective interests.

The process is probably a long one and entails the construction of new instruments and their experimentation. However and above all, its substantial sharing should prove useful, pragmatic, secular and not ideological involving a "non-episodic" planning practice, or one within only institutional dimensions.

Experience with the PRUSST programs and the Territorial Pacts has led to the formation of multidisciplinary work groups. In local planning offices as well as through forms of self-organization, they could become true planning agencies and act as reference points for the institutions, and not only for the institutions, of a certain territory. Agencies could be considered places of joint planning, structures of concentration of knowledge and experience, but at the same time "lightweight" structures, neutral with respect to the institutional schemes that tend to oppose various territorial agencies.

#### **OUTLOOK: INSTITUTION BUILDING**

*Thus far, the Report has emphasized that no optimal institutional model exists. Different territories mean different "stories." A number of regional "dimensions" coexist such as European macroregions, homogeneous meso-regions,*

*productive districts, and microregions with local identities. The administrative regions themselves have a number of decision tier levels and different models of self-organization.*

*Today, this complex system tends to follow principles of prevalence rather than subsidiarity. Overcoming the "regional" dimension (understood in its geographical/administrative connotation) may then result from a co-operative design of regional frameworks in a broader dimension (bordering regions - state - European Union), but above all overcoming "introverted" outlooks.*

*The same proposal advanced by a number of regions, in their laws with a town-planning content, is a "Single Territorial Charter" of bordering territories in the present regional perimeters. The new planning could tend to redefine boundaries and relations, according to dialectic rather than conflictual logic. The better a "region" is able to coexist with the various dimensions concerning it and the better it is able to combine local prospects and relations with those of the adjoining regions and with national and transnational ones which form the macroregions, then the better it will be able to define a competitive strategy that is not merely a claim-making one. This should comprise the passage from the master plan, characterized by rigid forecasting and prescriptive regulations, to a concerted and strategic view of integrated sustainable development.*

*While appearing an optimal and optimistic evolution of the planning system, on the flip side of the coin could lie the risk of the loss of certainties (equity, stability, spatial formalization) and at the same time of the growth of conflict and lengthening of decision-making time frames.*

*This is often the criticism leveled against innovative positions both in economic programming experience and in planning (from the PRU to the Prusst). Over and above the inherently "political" connotations characterizing some of these positions, it seems that at least two meaningful arguments emerge:*

- *the utility of a central government (European - National - Regional) with respect to the self-regulation of an ever-more global market*
- *the formulation of laws, territorial charters, collaborative forms to help relate public expenditure, in fixed social capital, to private measures.*

*Regarding the first point, the maintaining, or even worse, the reconstruction of machines that make places of decision correspond, with their apparatus of evaluating and consultative organisms, to every level of government, need not necessarily derive from the consultative system of the New Programming. On the other hand, it is not possible to carry out governance without an agreed-upon system of references. These references assist choices (Transformability Charters), which are set up as objectives of public action (Structural and Strategic Plans) and which, in substance, transfer the burden of proof*

*that (and how) his/her project is compatible with the environment and is coherent with the system of public investment to the private investor. Private operators along with the public administration, avoiding pre-conceived conformity checks on the one hand and improper consultative practices on the other, must pursue this compatibility and coherence. In this sense, an interpretation of negotiation that allows the allocation of public investment to correspond to the differentiation of the labor market does not seem altogether positive. The absence of a mature territorial component integrated with economic programming processes often confers rigidity (with consequent distortions) upon the plan/program relationship. To be really practicable in a system of governance, co-operation should hope for spatial planning that faces strategic as well as territorial and environmental issues.*

**List of terms and acronyms**

Equalizing compensation of property rights models  
 Dlgs - legislative decree  
 Dpr - Regional presidential decree  
 Law - National Law -  
 Lr - Regional law  
 Pru *Urban Renewal Programs*  
 Priu *Urban Upgrading Programs*  
 PRUSST programs for urban upgrading with sustainable development of the territory

**Main planning laws**

<p>Town planning law 1150/42          "Bridge law" of 1967 (Law 765/67).          Joint Ministerial Decrees of 1968 (introducing a mandatory duty to provide land for public uses),          DPR 8/1972          Law 382/1975 delegating the Government to implement the regional system,          Dpr 616/77          Constitutional Court sentence n ..., 1980 ruled on expropriation indemnities          Law 189/83 the activating of watershed planning          1990 "Local autonomies act" - the metropolitan city.          Law 241/90          Art. 27 of Law 142/90, the establishment of provincial planning          Law 394/91 which made the park plan compulsory,          Law 178/91 integrated programs          April 1998 Dlgs 114/98 ("reform of the discipline relating to the commercial sector")          Dlgs 112/98, self-approval of plans          Constitutional Court sentence n° 179 of 1999 established that town-planning restrictions may be reiterated for a further five years</p>
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