

## **Regional Planning and Territorial Competitiveness: the Role of Identitary Heritage. The Case of the Sardinian Region**

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### **1 ABSTRACT**

The recent economic crisis has strongly affected the spending capacity of local governments which have had to adopt austerity policies and increase their territorial competitiveness. Regions and global-cities are then looking for "original" plans and programs, tailored on resources available in a given territory, respectful of its settled communities and their identity, and able to provide sustainability to the global competition.

In Europe many regions have identified in landscape planning based on historical, cultural and environmental heritage the way to a sustainable future. Despite this, in Italy the regional landscape project culture acts through the instrument of the obligation. Only recently it has been discussed the possibility to make the restrictions become a shared instrument for landscape project, as demonstrated during the first revision of the Landscape Plans drafted after the adoption of the Italian Code of Cultural Heritage and Landscape in 2004.

The paper aims to investigate the innovative methodologies introduced by the landscape planning in building set of rules referred to stratified, historical and cultural sites within planning instruments and according to territorial competitiveness principles. It is taken into account the case of the Sardinian Regional Landscape Plan (2006), now in redraft, in which they were introduced new problematic categories of cultural assets detected on the bases of their identitary value.

The objective is to defining a set of rules in order to clear up Identitary Heritage concept and its implementation in urban and regional planning in order to ensure an effective sustainable territorial competitiveness.

### **2 CULTURAL HERITAGE IN URBAN PLANNING: A RESOURCE FOR TERRITORIAL COMPETITIVENESS**

#### **2.1 Introduction**

The recent economic crisis has drastically reduced the government spending budget persuading local administrations to narrow down the fields and objectives for intervention on the basis of territorial excellences which, due to their scarcity and irreproducibility, are considered as the only chance to conquer some niches of the "new new economy" and take part in the global competition (Crivello, 2010; Florida, 2003, 2005; Grandi, 2010). Consider, for example, the recent Anglo-Saxon policies relating to culture, creativity and urban regeneration (Landry, 2000; Evans, 2001).

The Italian cultural heritage, famously characterized by a wide geographical spread, a notable historical extension and a high symbolic and identity significance, could not escape this new approach and has therefore become a central topic in the search for alternative policies for sustainable local development (Amari, 2006; Carta, 2002, 2004; Ponzini, 2008; Sacco et al., 2006; Scandale, 2005). It investigates on the assets with a territorial nature and, above all, on the landscape assets that, with the Convention of Florence of 2000, have become the starting point for the development of new forms/rules of territorial government guided by the Right to Landscape and commonly contained under the definition of landscape planning (Cortesi et al., 2009; Gambino, 2009). In Europe emblematic is the introduction in the UK of maps of landscapes and landscape character assessments in the implementation of the European Landscape Convention (ELC).

In Italy, the ELC's implementation was carried out through the Code of Cultural Heritage and Landscape<sup>1</sup> (hereafter the Code) which updates the system of protection by providing, on the one hand, the transfer to

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<sup>1</sup> Legislative Decree No. n.42/2004

Regions of jurisdictions in heritage valorization and, on the other hand, the preparation by the same of Landscape Plans, higher-level planning tools than ordinary (Barbati, 2008; Sciuillo, 2008; Cartei, 2008).<sup>2</sup>

Landscape Plans approved since 2004 show that Regions interpret the changes introduced by the Code above all in relation to their statutory position and their previous urban policies. This is particularly evident in the implementation of the article 143 of the Code which recognizes to Regions the opportunity to identify new categories of landscape assets in addition to those already provided by national laws and subject them to protection through the Regional Landscape Plan, by virtue of their identity value (Barbati, 2008; Cartei, 2008; Ponzini, 2008; Sciuillo, 2008).

In order to identify innovative methods of reading and planning of landscape assets within the Italian landscape planning, we analyze the Landscape Plans of Tuscany and Puglia, two regions with ordinary statute considered a model to follow in the literature of the field, and then the Landscape Plans of Sicily and Sardinia, two regions with a special statute who, due to their autonomy, can defined with greater freedom their identity dimension.

## **2.2 The national legislative framework: the innovations introduced by the Code of Cultural Heritage and Landscape**

The set of rules concerning the protection of cultural heritage, given the breadth and richness of Italian heritage, has ancient origins,<sup>3</sup> but to have specific laws on this matter Italy had to wait until 1939 with the approval of the laws No.1089 and No.1497, respectively dedicated to "things of historical and artistic interest" and "natural beauties".

With the Law n.431/1985, known as the Galasso Law, the protection of the landscape and natural beauties has passed from State to Regions that take on the task of drawing up environmental territorial plans to institute and manage the restrictions on environmental assets (Antonucci, 2009). These contents has been afterwards incorporated in the Consolidation Act on the Protection of Cultural Heritage and Environment, adopted in 1999<sup>4</sup> (hereafter the Consolidation Act).

The coming into force of the Code of Cultural Heritage and Landscape in 2004 has re-affirmed the central role of State and Regions in cultural heritage's protection and enhancement with the attempt to preserving both national identity and local communities' memory (Antonucci, 2009).

Cultural heritage is defined by Article 2 of the Code as a complex system consisting of cultural and landscape assets which are further divided into categories. The entry of an asset within the above categories may happen by operation of law or by an assessment of cultural interest,<sup>5</sup> ie an administrative act aimed at the recognition of values and significances of the asset and its consequent classification (Sandulli, 2012).<sup>6</sup>

Innovative is also the concept of protection, a State competence, which is connected in the Code to the asset's fruition allowing overcoming the existing gap between the conservation and valorization activities, these latter subject to concurrent legislation between State and Regions (Ferretti, 2010). In fact, even if it picks up on the Consolidation Act of 1999, the Code states that the fruition and valorization of the asset represent the finalities of the conservation activity establishing a link between the two moments of the cultural chain<sup>7</sup> (Sandulli, 2012).

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<sup>2</sup> In order to put right the historical conflict between urban development and protection of cultural heritage born with the National Urban Planning Law of 1942

<sup>3</sup> It has its roots in the Law No.2359/1865 concerning the expropriation for public utility, in which encouraged the Italian State and its Local Governments in acquiring every monument and historic building whose preservation was at risk.

<sup>4</sup> Legislative Decree No. 490/1999

<sup>5</sup> Pursuant to LD. No. 42/2004 Art.10 paragraph 1 (except in case of negative verification of Article 12), Art. 10 paragraph 2, Art.11, Art. 91 and Art.142.

<sup>6</sup> Pursuant to LD. No. 42/2004 articles 10 paragraph 3, Art.13, Art.136, Art.143 and Art.156.

<sup>7</sup> Pursuant to LD. No. 42/2004 Art.1 paragraph 6; Art.2 paragraph 4; Art.6 paragraph 2.

In the light of the innovations introduced by the ELC of 2000 is attributed to the characteristic landscape of uniqueness and its protection must therefore be exercised as a whole rather than on single portions of the territory.<sup>8</sup>

The article 10 of the Code identifies the types of properties which are included into the category of cultural assets, distinguishing those of public belonging (paragraphs 1 and 2) from those of private belonging (paragraph 3). This distinction reflects perfectly the distinguished methods for their inscription in the cultural heritage and their protection. In fact, for public properties the title of 'cultural asset' is given ex lege, while for private assets this feature is acquired through the assessment of cultural interest (Cammelli, 2004).

The Article 134 of the Code defines the categories of landscape assets, distinguishing among: buildings and bound areas by an administrative act that declares their significant public interest, areas protected under the provisions of Law 431/1985, additional buildings and areas specifically identified and subject to protection through Regional Landscape Plans provided by Articles 143 and 156.

The drafting of Regional Landscape Plans must be made jointly between the Ministry of Cultural Heritage and Activities (italian: Ministero per i Beni e le Attività Culturali, MIBAC) and the Regions, limited to the aspects relating to the discipline of the landscape assets (Art.135 paragraph 1).

### 3 CULTURAL HERITAGE IN THE REGIONAL LANDSCAPE PLANNING

#### 3.1 The landscape planning in the ordinary statute Regions

##### 3.1.1 The Regional Territorial Landscape Plan of Apulia

The Region of Apulia had already had a Territorial Plan on Landscape (Italian: Piano Urbanistico Territoriale tematico per il Paesaggio, PUTT/P), which has come into force in 2000 in accordance with the Galasso Law. In 2004 the PUTT/P's conceptual and operational limits made disadvantageous its adaptation to the new rules introduced by the Code, therefore it was decided to draw a new Regional Territorial Landscape Plan (Italian: Piano Paesaggistico Territoriale Regionale, PPTR).

The first PPTR's Report highlighted many critical aspects of the previous instrument: shortage in cartographic representation of the legally bound protected assets, exclusion from the plan of the most important urbanized and rural areas; excessive fragmentation of the knowledge framework; set of rules difficult to understand and to apply; a major focus more on restrictions rather than on concessions.

The preparation of the new PPTR started in 2007 with the Decision No. 357 of the Regional Council. Subsequently, the Apulian legislation has been implemented with the Regional Law No. 20/2009 on the "Standards for landscape planning." The PPTR's first draft has been approved by the Regional Parliament in 2010,<sup>9</sup> however, it has not been adopted yet. So far, it is still in force on the PUTT/P.

In the PPTR it has been experienced the theoretical approach of the territorialist school which have its roots in Alberto Magnaghi's work on landscape, meant as a common good for a self-sustainable local development.<sup>10</sup>

To ensure the Landscape Plan's effectiveness in the government of the territory it is necessary that the same Landscape Plan could be able to interact with other plans and programs. For this reason the PPTR establishes, on the one hand, a robust institutional framework of clear and effective rules with statutory character and, on the other hand, a strong process of negotiation and participation with a bottom-up strategy (Magnaghi, 2011).

Assuming the centrality of territorial heritage, in its different components (environmental, infrastructure, urban, landscape and socio-cultural) in sight of a future socio-economic development based on the sustainable and durable valorization of its assets, PPTR passes from a restrictive conception of the plan to a vision of itself as an instrument of social mobilization aimed at developing strategies for the improvement of

<sup>8</sup> Landscape is meant as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors" (European Landscape Convention, Florence, 2000, Article 1).

<sup>9</sup> Regional Council Resolution No. 01/2010

<sup>10</sup> Magnaghi is also the designer in charge of drafting the new PPTR.

environmental and landscape quality of living of the population.<sup>11</sup> The development of participatory methods to improve public awareness of landscape asset has proved to be a necessary condition for the support from local communities to the objectives of the plan (Magnaghi, 2011).

The construction of the knowledge framework, which precedes the drafting of any planning tool, in the PPTR assumes a complementary role to the collection of data and knowledge, traditionally aimed at legitimizing of the plan's regulatory apparatus and to its diffusion/communication. The description of local identities and the definition of a repertoire of good practices play a fundamental and strategic role, referred to as "statutory", for the territory's project. The representation of the identity elements of the different regional landscapes, through the so-called "territorial figures," and the definition of the relational rules existing among them, allow assessing the consistency or inconsistency of territorial interventions with respect to ongoing evolutionary trends in building landscapes (Lucchesi, 2011).

A fundamental document for Apulia's cultural heritage management is the Charter of Cultural Heritage which identifies and distinguishes: the ancient city; the modern city; cultural assets of uncertain identification; cultural assets of certain identification and areal nature; cultural assets of certain identification and punctual nature; topographic stratified contexts (Italian: Contesti Topografici Stratificati, CTS).<sup>12</sup> This classification has made possible to describe the innumerable types of cultural and landscape assets without having to use the traditional disciplinary distinctions (archaeological, architectural, artistic, etc..) and made possible to overcome the overlapping problems between cultural goods of different nature or historical period, thanks to 'introduction of the concept of multilayered site. The theme of the cultural landscape has been addressed with a holistic vision aimed at identifying and mapping "[...] every place where the story is sedimented, as a form of stratification, ie each site". The CTS's identification not only detects the concentration of cultural goods into a specific area, but it highlights the relationships that linked in time cultural and environmental heritage, determining their identity characteristics (Volpe, 2011).

In the plan it is possible to identify a structure defined as "identity and statutory" in which the assets are identified with their transformation rules, and another one defined as "strategic" that identifies transformative projects using the regional heritage as a development resource<sup>13</sup> (PPTR's Report, pp.18-19). With regard to the "statutory" structure, the plan's designers, having noted the crisis of building sector, suggest to overcome the difficulties related to the construction of shared rules aimed at the production of ordinary territory, and cultivate the idea to extend authoritative restrictions to a destructive *ars aedificandi* (PPTR's Report, pp.21-23).

The protections apply to hydro-geomorphological structure, environmental and ecosystemic structure, antropical and historic-cultural structure. In this latter they are delineated two cultural asset's categories, landscape assets and additional landscape contexts. Landscape assets are defined as areas subject to landscape constraint; areas on which there are civic uses and areas of archaeological interest.<sup>14</sup> Additional landscape contexts are identified on the basis of Article. 143 of the Code and consist of: historic city; evidence of stratification settlement (Italian: Testimonianze della Stratificazione Insediativa, TSI), monumental olive groves, agricultural areas of scenic interest.<sup>15</sup>

The TSI consists of "all the sites affected by the presence and/or stratification of historic-cultural assets of particular landscape value as expressions of the identity characteristics of the region." They comprise: the architectural heritage worthy of protection widespread in suburban area of particular traditional value and expression of the historical memory of the land, including buildings already protected under Article 10 of the Code; areas with polygonal boundary, which identify buried archaeological sites still readable (discovery of

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<sup>11</sup> Among the projects proposed by the landscape PPTR there are: the Regional Ecological Network and the Covenant town and country, the infrastructure system for soft mobility, enhancing and upgrading integrated landscapes; regional systems for cultural heritage fruition.

<sup>12</sup> See the elaborate No. 3.2.5 "La Carta dei Beni Culturali"

<sup>13</sup> Regarding this aspect see the regional systems for cultural heritage fruition in the elaborate No. 4.2.5. "I sistemi territoriali per la fruizione dei beni patrimoniali (CTS e aree tematiche di paesaggio)" and PPTR's Technical standards for implementation, Art. 34 paragraph 1 and 2.

<sup>14</sup> PPTR's Technical standards for implementation, Art.74 paragraph 2

<sup>15</sup> PPTR's Technical standards for implementation, Art. 76. The definition of historical city includes that part of urban centers that goes from the nucleus of the foundation up to the urbanizations compact made in the first half of the twentieth century.

artifacts on the surface, presence of traces identified by aerial photography or other innovative diagnostic tools), a buffer-zone of protection from the outer perimeter of property and areas of the depth of 100 meters or as otherwise defined by the municipal plans adapted to PUTT/P.<sup>16</sup>

Local authorities, in adapting their planning instruments to PPTR, should increase the level of knowledge of the regional Charter of Cultural Heritage, specifically analyzing the values expressed by areas and buildings surveyed; adjusting, where necessary, the perimeter of the cultural good or by defining the exact location for the objects with identification uncertain identifying antropic, historical and cultural components for which it could be considered the existence of significant public interest in accordance with Article 136 of the Code or of cultural interest pursuant to Section 13 of the Code and activating the provided proceedings; redefining the width of the buffer-zone around the evidences of stratificate settlement, ensuring the protection and enhancement of the landscape in which these assets and areas are included, depending on the nature and significance of the relationship with their surroundings in enviromental terms, both of contiguity and integration of forms of use and visual enjoyment..<sup>17</sup>

The change from an individual-use of the assets to a more complex one, consisting of cultural-turistic territorial systems, shows the PPTR's proactivity as revealed by the choice of going beyond the definition of adequate safeguard rules throught the prevision of new valorization forms, as projects for site's knowledge and its integrated fruition. PPTR's territorial projects are focused on the study of regional local landscapes' features for the proposition of measures able to enhance enviromental quality, territorial fruition services, accessibility and the internal connections (Volpe, 2011).

### 3.1.2 Regional Landscape Plan of Tuscany Region

The landscape planning of Tuscany finds its foundations in the Regional Law No.4/1990 by which the Region put an end to the distinction between landscape and urban planning by adopting a unique territorial planning instrument where the essential resources of the territory, including the landscape, shall form the "structural invariants" to future changes. The principle of territorial unity of this law found its effective application through the Regional Law No.5/1995 which has provided for responsibilities allocation in the field of urban planning thanks throught the following instruments (Gregorini, 2007):

Regional Territorial Address Plan (Italian: Piano di Indirizzo Territoriale regionale, PIT): it contains rules regarding urban-territorial and identifies landscape values under L.431/1985, Art. 6, paragraph d;

Provincial Territorial Coordination Plan (italian: Piano Territoriale di Coordinamento Provinciale, PTCP): it has the value of territorial urban plan with specific consideration of landscape values, according to Law 431/1985 art. 16, paragraph d;

Municipal Structure Plan (Italian: Piano Strutturale comunale, PS): it defines the strategic directions for the government of the municipality and contains the municipal environmental-landscape discipline, pursuant to L. 431/1985, Art.1-bis.

The Regional Law No. 1/2005, concerning urban planning, kept the structure of the previous two but its "Regulations on the Government of the Territory" (Italian: Norme sul governo del Territorio) contained several novelties about natural and cultural heritage related to the Code of Cultural Heritage and Landscape and its subsequent amendments.<sup>18</sup> However they contained also an internal contradiction: under Title IV Chapter I, infact, the articles 30 and 33 stated that the PIT's Statute had the value of Regional Landscape Plan and any instrument of planning and/or territorial government of the had to be adapted to it, while articles 32 and 34 gave to Municipalities the power to plan and protect their landscape in an autonomous manner, in compliance with the guidelines and requirements of the PIT, in derogation from the Regional Landscape Plan pursuant to Art. 143 paragraph 5 of the Code (Morelli et al., 2010). This contradiction was resolved by the judgment No.186/2006 of the Constitutional Court which affirmed the unlawfulness of Art. 32 paragraph 3 and Article. 34 paragraph 3 of PIT's Statute.

<sup>16</sup> In the buffer-zone of 100 meters around areas of archaeological interest (as landscape assets) and evidence of stratification settlement (as additional landscape contexts), it is deleted any change in visual integrity and pursued the redevelopment of the context. It is eliminated each land use incompatible against PPTR's objectives of safeguard. See PPTR's Technical standards for implementation, Art. 77 paragraph 2.

<sup>17</sup> PPTR's Technical standards for implementation, Art.78 "Direttive per le componenti culturali e insediative".

<sup>18</sup> L.D. 24 March 2006 No. 156 and 157; L.D. 26 March 2008 No. 62 and 63

Due to this, the L.R. 1/2005 was modified giving to the Region the skills on the definition of the landscape assets and of their discipline pursuant to Art. 143 of the Code (Regional Law of Maintenance of 2008) and PIT was integrated into its landscape contents (Cinquini, 2008):

Plan Document: Section 6.5. – The "landscape" as forming the Tuscan territory and its government;

Technical standards for implementation (Italian: *Disciplina di Piano*): technical standards for landscape assets;

Charts of landscapes identification and quality objectives (relative to the territory of each Province): Recognition of the structural features; Recognition of natural, historical, cultural and aesthetic-perceptive values; Recognition of local dynamics, quality objectives and priority actions; Recognition of landscape assets subject to protection under Article 136 of The Code and its subsequent amendments.

Cartography bearing the identification, definition and scaled representation of properties and areas declared of significant public interest in accordance with Art.143, paragraph 1, letter b) of the Code

Cartography bearing the identification, definition and scaled representation of properties and areas declared of significant public interest in accordance with Art.143, paragraph 1, letter c) of the Code

Documents containing technical standards for landscape assets have been drawn through a conjunction of institutional collaborative agreements consist of: Memorandum of Understanding between the Region of Tuscany and the MIBAC's General Directorate for Architectural Assets and Landscape;<sup>19</sup> Memorandum of Understanding del novembre 2008 tra MIBAC's General Directorate for the Quality and Protection of Landscape, Contemporary Art and Architecture, Tuscany Regional Directorate for Cultural Heritage and Landscape, MIBAC's Provincial Superintendences, Tuscany Region, ANCI, UNICEM and UPI Toscana<sup>20</sup> (Regione Toscana, 2009).

To sum up, the PIT's last version, adopted June 16, 2009, separates the Tuscan landscape discipline, which is general and applied to the territory as a whole, from the discipline of landscape assets, which is specific and site-oriented according to the the Code and the ministerial concept of 'scenic beauty' identified and protected by law or by Ministry Decree after a positive assessment of cultural interest (Regione Toscana, 2009). The PIT provides therefore a participative assessment of cultural interest for the identification of the landscape assets, as required by art. 143 of the Code, which involves municipalities, local Superintendents, the Region and interested Ministries and concludes with the issuance of a restriction decree by MIBAC (Cinquini, 2008; Poli, 2012).

This procedure was adopted during the PIT rewriting, between 2007 and 2009, and it is now applied in the process of adapting provincial and municipal tools to regional landscape planning. To this end, the Region has instituted provincial committees with the task of identifying new landscape assets and it has set up the Landscape Observatory with tasks of monitoring and coordination (Regional Law No.1/2005 Art.33 paragraph 6). In addition, benefits are provided for the Municipalities who have actively participated to the rewriting phase between 2007 and 2009. For example, in the event that the municipal urban plan has proved to be adequate to the PIT, Tuscany Region forwards directly the "advice of conformity" to the Regional Directorate of MIBAC while, if the municipal urban needs of additional measures and integration, the Region starts a variation to the plan.

From the examination of the Tuscan landscape planning emerges a strong sense of identity linked to the territory in its unity that can be preserved, maintained and restored only through the knowledge of its structural components (invariants), its dynamics as well as the natural, historical, cultural, aesthetic-perceptive values of local landscapes (Marson, 2012; Poli, 2012). However, this holistic approach has collided with the MIBAC's need of clearly defining the object of protection, whether an individual asset or a complex one, so as to adopt a restriction decree. Within the PIT there are thus general rules for landscapes protected at regional level for their identity value and, at same time, lists of landscape assets bound by Ministerial Decree by operation of law or pursuant to a participative assessment of cultural interest.

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<sup>19</sup> Signed 23 January 2007 and subsequently amended by an act of integration of the July 24, 2007

<sup>20</sup> November 2008

Synthetically, the landscape assets of regional unitary interest,<sup>21</sup> originally removed with the repeal of Articles. 32 and 34 of PIT's Statute and Art. 32, 33 and 34 of PIT's Technical standards for implementation, are now inserted in the lists of ordinary landscape assets,<sup>22</sup> for which it is expected the presence of a restriction decree and the compliance with the conditions of use contained in the priority actions set out in the Cards of landscapes identification and quality objectives attached to PIT: << These quality objectives and priority actions represent, with reference to landscape assets, the shared use conditions for municipalities planning tools and acts of government land under article 143 of the Code >> (Art.1 of PIT's Technical standards for landscape assets).

### 3.2 The landscape planning in the regions with a special statute: the island context

#### 3.2.1 The Regional Landscape Territorial Plan of Sicily

Landscape planning in Sicily finds its basis in the Landscape Territorial Plans (italian: Piani Territoriali Paesistici) prepared in accordance with the Guidelines for the Regional Landscape Territorial Plan (Italian: Piano Territoriale Paesistico Regionale, PTPR) dated 1999, which have, as normative reference, the Galasso Law and the ex Consolidated Law on cultural and environmental heritage (Legislative Decree No. 490/1999). Due to the the Code's introduction, it has been started a process of revision and adaptation of these instruments that, because of the autonomy statutory, has led to a reorganization of the Sicilian landscape planning on different levels (Costantino, 2009; Costantino et al., 2009):

Regional Planning: consists of the PTPR's Guidelines which define strategies and general objectives for the Sicilian landscape, identify landscape units (Italian: ambiti di paesaggio) with their systems, subsystems and components, provide guidelines and requirements for each of those components.

Sub-regional planning: consists of the Provincial Landscape Plans (Italian: Piani Paesaggistici Provinciali, PPP), prepared by MIBAC's Provincial Superintendencies for the landscape units which fall within the province of their competence, and Landscape Unit Plans (Italian: Piani d'Ambito) relating to the island (Ustica and Pantelleria) and the archipelagoes (Pelagie and Egadi), which are considered freestanding landscape units fo their peculiarities.

This architecture is the result of a long path began in 2004, thanks to funds of the Regional Operational Programme 2000/2006, and not yet completed in which it is possible to recognize some topical moments.

The first is the preparation of the Provincial Landscape Plans for Trapani Province during 2007 (hereafter the Trapani's PPP). The plan included the contents of PTPR's Guidelines for the Lanscape Unit No.1 "Rilievi del trapanese" (systems, subsystems, components, guidelines, prescriptions) and, through a process of understanding and interpretation, it pointed out their systemic interactions in order to define "Local Landscapes", ie the territories relatively cohesive, open and interacting identified according to the main components and relationships that characterize them and determine their identity<sup>23</sup>(Costantino,2009; Costantino et al., 2009). For each "Component" and "Local Landscapes" the Trapani's PPP defined objectives, priority actions and rules of use that reflected objectives, guidelines and prescriptions from PTPR's guidelines. The rules of use re-broke up Local Landscape in systems, subsystems and components defining for each one the terms of use/restriction. Considering landscape assets, these rules were prescriptive if they fell on properties protected under the law<sup>24</sup> (they can limit interventions without permission<sup>25</sup> and instruments of territorial government have to respect them) viceversa they assumed a proactive and adressing value.

The structure of Trapani's PPP became soon the model for subsequent sub-regional plans, but it was already clear that the weakness of collaboration between the Regional Office of the Plan and MiBAC's Provincial Superintendents produced tools very different for content and method. For this reason, in February 2008 the the Regional Office of the Plan submitted to Superintendents a Scheme of Regulatory Apparatus (italian:

<sup>21</sup> Covered by Art. 143 paragraph 1 letter c) of the Code

<sup>22</sup> Covered by Art. 136, 142, 143 paragraph 1 letter b) and d) of the Code

<sup>23</sup> Considering the handbook Landscape Character Assessment (LCA). Guidance for England and Scotland edited by the Countryside Agency and Scottish Natural Heritage in 2002, the Sicilian "Local landscape" includes both Landscape Character Types (LCT) and Landscape Character Areas (LCA).

<sup>24</sup> It comes to assets safeguarded by Art.134 paragraph 1 letter a) and b), 136 and 142 of the Code,

<sup>25</sup> See Art. 149 of the Code

Schema Apparato Normativo) for the drafting of PPPs technical standards for implementation, that represent also the second topical moment of the process.

The Scheme extended to whole Region the three protection levels<sup>26</sup> provided by the Landscape Provincial Plan of Caltanissetta (hereafter: Caltanissetta's PPP) for the Landscape Units No. 6-7-10-11-15 and aimed at landscape heritage in Art. 134 of the Code (Provincia di Caltanissetta, 2008):

Level of protection 1: affects areas with perceptive values essentially due to the recognized value of the geomorphological configuration; perceptive emergencies (structuring components); panoramic visual and intervisibility basins (or visual afference). In these areas, the protection is accomplished through the authorization procedures laid down in Art.146 of the Code.

Level of protection 2: affects areas characterized by the presence of one or more qualifying components with their contexts and landscape sceneries. In these areas, in addition to the procedures referred to in the previous level, it is required impacts mitigation of visual detractors

Level of protection 3: covers the areas that owe their recognisability to the presence of various qualifying components with their relevant contexts and landscape sceneries, or in which the presence of a significant element of exceptional importance, at least at regional level, requires specific requirements of protection.

Five years after the process is not yet complete and the frame of sub-regional landscape planning is partial and fragmentary: many plans are still under review or drafting, some have been adopted and wait for final approval, only one has been approved and it is in force. Perform an examination of the Sicilian landscape planning as a whole is therefore difficult, especially when it comes to assessing the effects produced by the new levels of protection on landscape heritage and, in particular, on the assets identified at regional level under Art.134 paragraph 1 letter c) of the Code and bound by ministerial decree, following the agreements between Provincial Superintendent, MIBAC and Region.

Nevertheless it is possible to make some general observations about Sicilian Region activity. The element that emerges most strongly is the complexity of landscape planning due to the fragmentation of the Landscape Unit on the basis of the provinces in which it falls. This is mainly due to the absence of an organic discipline regarding the protection of landscape and cultural heritage, matters on which the Autonomous Region has exclusive legislative competence under article 14 of its Statute. Not being present a regional law, the Code of Cultural Heritage and Landscape has replaced the Region in landscape planning determining its content, criteria and procedures as usually happen in the ordinary statute regions. From this point of view, Sicily, therefore, has not properly taken advantage of the opportunities provided by its autonomy, deferring the merge between landscape and territorial government, a process undertaken instead with great courage and determination by other regions with ordinary statute, such as Tuscany.

In addition, in the rules of use for "Components" and "Local Landscapes", the application of levels of protection exclusively to landscape assets protected by operation of law (Art. 134 paragraph 1 letter a and b of the Code), seems to have forgotten the innovations introduced by the European Landscape Convention and The Code, returning to L.1497/1939 even though contemporary landscape heritage includes new assets categories (under Article.134 paragraph 1 letter c of the Code) (Costantino,2009; Costantino et al., 2009). In this regard it should be noted that a definition of identity in relation to the content of the regional landscape planning could find consistency and completeness only when all sub-plans will be adopted and Municipalities will have adapted their planning tools to them. Sicilian identity is now defined in a rather generic and theoretical way only by the PTPR's Guidelines of 1999.

#### **4 CULTURAL ASSETS IN THE REGIONAL LANDSCAPE PLAN OF SARDINIA**

Landscape planning in Sardinia finds its basis in the Galasso Law, which lead to the Regional Law No.45/1989 on Urban Planning and fourteen Landscape Territorial Plans (italian: Piani Territoriali Paesistici, PTP).<sup>27</sup>

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<sup>26</sup> See Art. 20 in Technical standards for implementation of Caltanissetta's PPP

<sup>27</sup> Previously there was only the Landscape Territorial Plan of Molentargius-Monte Urpinu, approved on the basis of L.1497/1939



The initiative to develop a regional landscape plan was taken with the Regional Law No. 8/2004<sup>28</sup>, after the annulment of all PTPs approved under Galasso Law, except for PTP No. 7 of "Sinis", by the Regional Administrative Court between 2001 and 2003 (Falqui, 2011).

The Regional Landscape Plan of Sardinia (Italian: Piano Paesaggistico Regionale, PPR), was approved in September 2006 as the first Landscape Plan complies with the Code's amendments adopted during the same year.<sup>29</sup> The PPR identifies twenty-seven landscape units located along the coastline, the protection of which is considered a priority by the plan with respect to the interior of the island. They are analyzed in their identity and peculiarities based on three levels of reading: environmental framework, historical and cultural framework, settlement structure.

The discipline of protection contained in PPR's Technical standards for implementation was aimed primarily at five categories of properties: landscape units, individual landscape assets, complex landscape assets, landscape components and identity assets. These latter were defined by PPR under Art. 134 paragraph 1 letter c) of the Code and included those types of properties, areas and/or intangible assets that allow the recognition of the sense of ownership of local communities to the specificity of Sardinian culture.<sup>30</sup>

Identity assets were usually defined in their perimeters by PPR cartography or, later, by Municipalities in the adaptation of communal planning tools to PPR. In both cases, the implementation of PPR's provisions took place primarily through an agreement between the regional and local authorities on the basis of which were defined land transformations compatible with PPR's landscape quality objectives. Until the adoption of a municipal planning tool adequate to PPR (transitional period), PPR's Technical standards for implementation established a buffer zone of integral protection of 100 metres around each landscape asset identified in PPR's cartography.

The depth reconnaissance of Sardinia's historical and landscape heritage was made during the preparation of the PPR through an analysis of multi-archive sources (wealth of knowledge of provincial planning tools, archives of MIBAC's Provincial Superintendents, State Archives, specialized archives, historical cartographies, etc.) (PPR Report, p.110). However, this research was not followed by inspections aimed at the verification of the real consistency and preservation of the asset during the preparation of PPR's cartography and, afterward, during the Region-Municipality co-planning phase, reaching sometimes to impose the buffer zone on areas without any element of historical or landscape value.

To overcome such problems has been enacted the Regional Law n.13/2008 on landscape assets and the delimitation of their protective perimeters, with regard to those included in historical centers. Considering the assets of regional interest,<sup>31</sup> the so-called identity assets, the law specifies the need for them to be promptly recognized and demarcated in municipal and regional cartography in such a way as to be easily identified, even in the transitional period. The agreement between the City and Region is expected to define the boundaries of the historic center in case where the existing perimeter does not coincide with the one developed by PPR. The agreement is also applied to define protective perimeters of landscape assets protected by operation of law and identity assets protected after a positive assessment of cultural interest. The buffer zone of 100 meters for the landscape and identity assets does not apply if the same fall within the perimeter of the historical center (Art.2 of Regional Law No.13/2008). Despite the novelties, the law has been strongly criticized because, during the transitional period, it excludes from protection different categories of identity assets, not already identified/mapped at regional and comunal level, such as the typical Sardinian rural settlements.

In conclusion, it can be said that PPR's guidelines and prescriptions, should be punctually adapted within the municipal planning instruments in order to build appropriate valorization proposals. So adapting the municipal planning tools to PPR represents today the most delicate moment of Sardinian landscape planning because there takes place the negotiation of protection principles expressed by PPR, determining its real effectiveness (Bitti, 2008).

<sup>28</sup> The so-called "Save Coasts" Law

<sup>29</sup> L.D. 24 March 2006 No. 156 and 157

<sup>30</sup> See Art. 6 paragraph 5 of PPR's Technical standards for implementation.

<sup>31</sup> Identified by PPR and bound by ministerial decree after an assessment of cultural interest with a positive result, as determined by Art.134 paragraph 1 letter c) of the Code

## 5 CONCLUSION

The landscape and cultural heritage assume a central role in the definition of policies for sustainable development based on the protection and enhancement of local identity. The Landscape Plan, in the light of the directives of the Legislative Decree n. 42/2004, becomes the main instrument for the protection of the regional heritage and its enhancement in a perspective of sustainable local development. However, the comparison between the regional plans of Apulia, Tuscany, Sicily and Sardinia, shows a widespread and shared difficulty in the identification of local landscapes and identitarian heritage that does not depend on their statute or on the previous planning advancement. This fact emerges especially considering the cataloging phase, which is often postponed and carried out during the adaptation of the provincial and municipal tools to Regional Landscape Plan.<sup>32</sup> A further confirmation is provided by the delay registered in Apulia, Sicily and Sardinia in the enforcement of the safeguard rules provided by their Regional Landscape Plans, which has involved the creation of a constrained buffer zone around each landscape asset, independently from its real substance or existence. So, Plans often become ineffective in respect to heritage valorization and building activity's regulation leading to a premature revision of the instruments themselves.

Referring to the definition of regional landscape assets as provided by the article 143 paragraph 1 letter c) of the Legislative Decree n.42/2004, it can be said the concept varies from region to region: in Tuscany the landscape assets are called "assets of regional unitary interest", in Apulia "further landscape contexts", in Sicily "Local Landscapes and their Components", in Sardinia "identity assets". The only element that joins these regions is the choice to apply to the regional assets the procedure laid down by the articles 136 and 142 of the Legislative Decree n.42/2004 for properties with landscape value of significant public interest and for protected areas with environmental value. Despite the identification of specific elements of the territorial reality is considered to be the main strength of landscape planning, due to the fact that, as submitted by the European Commission in 2005, each region has a specific territorial capital, the difficulties encountered in the development of standards and guidelines for each regional asset, has led Regions, Provinces and Municipalities to activate the traditional verification of interest through memoranda of understanding between local authorities and MIBAC that, if successful, have taken the form of a ministerial decree of restriction under LD. 42/2004.<sup>33</sup>

Apulia is the only positive example with the introduction of an innovative protection system that classifies the landscape heritage according to the real possibility of a punctual identification of the property and its buffer zone, going beyond the traditional distinction by type of asset (archaeological, architectural, etc.) and reinterpreting in an innovative way the relationship between the individual goods through a system of "multilayered topographical contexts" to be protected and enhanced. In Sardinian Regional Landscape Plan, it can be read an attempt to organize the "identity assets" in interconnected networks for integrated use but, operationally, this translates into a map of the cultural heritage with a restrictive approach, far from the Puglia's model from which it had been originally inspired.

The application to the regional landscape assets of the verification of interest and the ministerial restriction decree, as in case of property protected by operation of law (articles 136 and 142 of the LD n.42/2004), it seems almost a waiver by the Italian regions in defining their own identity in relation to cultural territorial heritage though the issue has also been addressed in the rules of governance of the territory of each regional landscape plan through the definition of binding guidelines for the areas of protected landscape (despite the garbled bureaucratic difficulties the regions had to face). It should be also acknowledged that, if the planning has reached a certain maturity and has established itself at the local level, it has been possible to legitimize the idea of regional identity through propositions of plan that take into account both the aspect of properties (landscape assets) that of the landscape (landscape character areas and types) as demonstrated by the "multilayered topographical contexts" in Puglia.

<sup>32</sup> As in the case of Tuscany Region where the allocation to municipalities of the task of cataloging the regional landscape and identity heritage, through the articles 32 and 33 of the PIT, led to the ruling of the Constitutional Court and the repeal of these two articles as unconstitutional.

<sup>33</sup> Significant is the case of Tuscany: deprived by the Constitutional Court of the possibility of delegating to municipalities the definition of technical standards for each landscape regional asset, the Region has decided to equate the "assets of regional unitary interest" to the other goods protected by the LD. 42/2004.

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