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Paolo Avarello

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edited by Federica Legnani and Michele Zazzi

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José Esteban Castro

Michele Zazzi

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Anna Moretti

Paola Pucci

Marco Facchinetti

Lucina Caravaggi

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A deep-felt innovation

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The new town development plan for Cassino (which is known as the *variante generale of the PRG* in force approved by the Regional Government in 1980 was adopted by the Commune Committee in December 2004.

It represents an attempt to make the PRG useful and to provide it with an effective technical-legal form in the absence of innovative legislation. It is a brave and generous attempt but not without risk when a plan must pass through this legal framework and technical-administrative *milieu* in order to be approved.

Regulations for vested rights

The unbearable weight of the planning process is well known, as well as the impractical regulations of vested rights, becoming even more unbearable if these regulations are irreversible and if they are subject to taxation. It is also well known that many believe any reform of territorial government must establish town planning transformation regulations shaped for and structured to the property in an advance phase of the planning process only. This must follow private and public commitments and obligations in the operational plan, if not in the detailed plan too. But while waiting for reform to occur, the theme of the regulations, especially those concerning development of new settlements, regarding both quantitative and qualitative questions is the first to be confronted in constructing the *variante generale* of a PRG.

Wherever supported legally, the new Plan for Cassino makes some interesting and innovative choices to resolve these questions. In addition to an approximate

60% reduction in the quantity, the regulations in the PRG in force for new planned expansion not as yet effected and not subject to acts aimed at developing the detailed plans, "are confirmed in time". What is meant by "are confirmed in time" is that the development rights lapse if the relevant land use allotment plans are not presented to the Commune by the interested parties within two years of the adoption of the *variante generale*, and also lapse if the agreements are not stipulated "within six months of planning permission being granted by the Commune".

Therefore, the Plan attempts to follow the road of granting development rights 'in time', stipulating conditions for their use within a limited period of time which start from the adoption of the *variante generale*.

Treatment of the 'open' territory

On the one hand, the *variante generale* zones this territory by structuring it so as to safeguard the natural environment (Montecassino area; river, stream and water course protection strip; territory covered by forests and woods subject to reforestation orders; areas of further hydrographic protection orders; woodland areas) and agricultural productivity (areas of prime agricultural land). On the other hand, it supports the tendency for settlement along the local road network, as well as addressing the use of development in the agricultural area and in environmental areas not subject to restraining orders. The aim here is to create 'aggregated' forms of settlement in order to reduce the risk of sprawling disjointed development. This is regulated using 'ordinary compartments'. There are eleven ordinary compartments in which

transfer of development rights is allowed, and this is also permitted between non contiguous zones or when they belong to different zones. Aggregation of development rights is awarded in cases affecting a building surface at least 1,600 sqm, which receive a bonus of 20%. In particular, in 'aggregated' developments the maximum height allowed is 10.00 ml (it is normally 7.50) with tourist-accommodation, production (excluding industry), various services, health services, culture, greenspace sport and recreational activities also being allowed. However, developments up to 8,000 sqm can be implemented directly whereas those over this ceiling must "be approved under the detailed plans".

The regulation states that in all cases the developer must put in access roads and street lighting as well as the drains and equipment for discharge and purification of 'black water' sewage and waste greywater. Furthermore, the regulation requires the project to be "provided with landscape impact evaluation".

The *variante* also identifies two 'special compartments' located to the north and to the south of the urban center, with good accessibility compared to the existing and planned greater road network within which there are different zones including expansion zones from the previous PRG in force. The *variante* grants Commune in these two special compartments additional powers over and above those for a zone to grant development rights "for the construction of public service facilities or for public use as well as relevant and complementary private structures. These structures must be instrumental in pursuing the financial-economic equilibrium of development in the public interest". The

regulation provides for a competitive tendering procedure: the Commune periodically sets a call to tender up in order to select the project "according to criteria beneficial to the public" and then choose a developer who will take on "the role of contractor, according to the law in force".

The maximum development rights 'available to the Commune' in the *variante* are 36,000 sqm in special compartment 1 and 25,000 sqm in special compartment 2.

The uses allowed for at least 60% are: services, open air markets and fairs; training; health services; institutions; culture; worship; exhibitions, congresses, and conventions; sports events; defence; technological services; and intermodal transport and freight exchanges. Up to a maximum of 40%: residential, tourism-accommodation, and commercial.

The city center

The objective of improving urban quality in Cassino has a specific connotation. The almost total loss of the historic centre in the Second World War and the reconstruction that followed have given the heart of the city a recognisable street layout, but taken as a whole it is weak in the way the space is configured and in terms of building quality. As a result, conservation is not the main problem, and redevelopment in the city centre is seen as the systematic urban renewal of the existing redevelopment and as such possesses the character of a second reconstruction. Regulation of the city center by the *variante generale*, especially in the central part, articulates zoning as a function of the stratification objectives for the various parts of the settlement contained in the plan. The use of zones restores the following objectives with

immediacy: changing from typological and morphological conservation to conservation of volumes and the re-modelling of volumes. For the more suburban northern and southern parts of the center, the *variante* takes the existing planning into consideration (detailed Plans or rather PEEP low cost housing areas). This is subject to the Recovery Plan, that is: the Urban Recovery Programme, the Programme integrating a strip of existing settlement near the archaeological park, and an integrated Programme for a partly disused built up area straddling via Voltorno east of the railway station (PRINT Voltorno). Lastly, it provides for a large area of expansion to the north (Sferracavalli) reserved for the purpose of "tertiary, service, and residential integration of the urban centre", which is part of the Detailed Plan.

Considerations on the form and content of the plan

The aims and choices of the *variante* are very clear. Firstly, to protect the main components of the natural system from manmade transformation (areas of outstanding natural beauty, hydrographic networks, woods). Secondly, it consolidates the identity of the urban center, confirming its service functions and favouring the landscaping definition of both the scale of the entire city and its parts. This involves enlargement, redevelopment, and completion of its marginal areas and the stratification, remodelling, and renewal of existing buildings in the central parts, meaning the legal amount of public space is incorporated in the building completion of neighbourhoods. Thirdly, it takes the regulations in force for 'prime' agricultural areas into consideration and confirms them. However,

these correspond to the more permissive regional laws. Fourthly, it attempts to limit settlement in areas not already built on outside the urban center and in its outlying wards which the territorial government has allowed and even favoured up to the present (strips of settlement, low cost housing areas, production zones, university, etc. planned for the only purpose of exploiting the accessibility of the existing road network infrastructure), reorienting the process of settlement outside the urban center according to two fundamental strategies which are worth examining. The primary aim is to meet any need to localise functions and activities of public interest whose impact on urban development make locating them in the consolidated city inadvisable. Locating them in two spacially strategic areas (special compartments) is favoured, being centred around a new hospital and the university, as they are easily accessible from the large road network. As explained above, the *variante* places a great many development rights at the disposal of the Commune in these locations which are to be granted via public tendering procedures to developers who tender the best solutions for the public aims stated by the Commune from time to time. The second point involves stopping the phenomenon of settlement sprawl in the rest of the commune territory (approximately 50%). This is considered to be a perverse consequence of the hypocrisy that considers the territory to be agricultural only because it is not considered to be urban as it is not subject to the continuity and compactness of use of settlement type. This introduces the above mentioned combination which provides for the transferability of rights and

incentives and rewards for aggregation.

This is content which is totally divisible and largely experimental in its regulation, and as such it not exempt from a degree of risk.

For example, if the hypothesis that aggregation is practised extensively within the 'ordinary compartments', it risks the unrestricted localisation of aggregates for mixed use in the agricultural zone, favouring an infrastructural process that however much it might be elementary, episodic, and incomplete, will create expectations of land evaluation which would presumably be satisfied in a subsequent *variante* of the plan. Since these expectations are discouraged at the origin i.e. at source, whatever new urban planning regime might be, it is worth guaranteeing the tenure and permanence of the tied up land use designation of the property resulting from the transfer of the development rights so that 'aggregates' can be formed. Something, as noted, that is legally impossible.

On the other hand, wherever the aggregates are tending to localise along the 'existing road network' they fall either partially or fully within the low density residential completion zones. This could be useful as they could make a contribution to developing function and compactness of form in the linear settlements provided for in the plan.

However, it seems that the idea of bands of linear settlement along the local road network using transferability rights and reward for aggregation to favour this trend has not been fully applied.

In addition to the risks and doubts inherent in the innovation quantum proposed by the *variante*, it seems to be the case that the general objective pursued by the *variante* in

the 'open territory' is to regulate the relevant historical contradiction (in similar contexts) between regulation based on rigid zoning, and elusive and openly abused practice. It is an innovation that, in the presence of various 'rules of the game', relies on a great deal of location flexibility. An innovation whose regulation and practice is based on considerable managerial strength in the Commune. In effect location flexibility is a fundamental criteria for the innovation introduced using the compartments. As mentioned above, the development rights are controlled by the Commune, particularly in the 'special compartments', and are applied in the public interest using a *Programmi complessi* type procedure (literally 'complex programs': a program of institutional re-organisation to respond to the rigidity of traditional plans and to join public and private investments). Here too the intention to provide developers (not only local) with ample room for manoeuvre with regard to certain rules is clear. In part these rules are established by the NTA (*Norme tecniche di attuazione*, Legal technical standards and regulations) and the others are integrated in the Commune call for tenders which publishes the competition (here too there is considerable reliance on managerial strength from the local Government). No less relevant and implicit in this mechanism is the objective of avoiding the formation of rights that in time might become vested and difficult to revoke, as has been demonstrated by the matter in question. Although the form of the plan for the 'open territories' in the special compartments provides for a combination of transferability of development rights and rewards for aggregation as well as for the competitive tendering procedure (of the *programmi complessi* type),

regarding the city center it seems that the *variante* has not gone all the way down the route of the *programmi complessi*.

For some time now many town development plans have also used similar programs to provide for action, usually to redevelop the existing city, as the *variante generale* for Cassino moreover explicitly provides for in the above mentioned case of PRINT Volturno. Why not extend this procedure to all remodelling areas and use the plan 'design' as Urban Layout in the preliminary 'programme', which in this case is already provided for in the NTA? It is true that the regulation of the *variante* provides for "the Commune ... to promote the formation of programmes ... in different zones from those indicated in the plan". But as in the case in question, this is a regulation that is difficult to apply in zones subject to regulation by direct intervention where the development rights have all already come into play. As previously mentioned, in relation to innovation based on location flexibility, the choice of the program procedure for the remodelling area should certainly have been able to count on good strong management from the Commune, perhaps even stronger than that required to obtain quality results using the mechanism of direct implementation. In conclusion, it is the author's opinion that the search for a coherent relationship between planning intentions, procedures, and operational techniques, their definition being on the level of the urban layout, should be a central theme in the discipline of urbanism and territorial planning in this historic phase. The author also feels that relationships and coherence are not defined once and for all but should be re-examined and

evaluated during the various phases involved in the planning process. In practice, research into 'coherence of phases' is not possible if the form of the plan is unique and indivisible, thereby leaving the phases and the duration of the planning process out of consideration. This is one of the specific aims of articulating the plan in a partly structural and partly operational way (in addition, of course, to instruments of implementation), which many Regions have now introduced in their own urban planning and zoning laws: taking the time planning into consideration and therefore allows the planning objectives, planning techniques, and urban layout to be related coherently throughout the various phases of the process. Since urban planning and zoning law in Lazio does not provide for this kind of articulation, it seems that in its appreciable attempt to play the game of anticipation, the *variante generale* of the Cassino PRG has suffered from this condition too.