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Procedure for the approval of the Operative Strategic Plan (OSP) for the vesuvian area

Francesco Russo

The Regional law n. 21 dated 10 december 2003 laid down the contents of the OSP as outlined in article 2, section 3. These contents go beyond the elements of a typical strategic plan, which is a blueprint designed to orient local administrations in coordinating programmes that delineate a territorial development strategy informed by a shared vision. This OSP, in fact, sets out the possibilities for implementing interventions of compensation and top-up in the framework of more comprehensive programmes of urban rehabilitation so as to promote and foster these interventions, as well as identifying the areas destined for interventions and projects. The dual character of the OSP, strategic and operative at the same time, is the salient trait of this form of planning. On one hand it refers to an integrated planning activity, and on the other it lays down rules for the planning initiatives of local councils, thereby setting up a constant dialogical relationship between the two levels of wide-scale and local planning. From this point of view, the OSP is a rather equivocal instrument; moreover, no specific mention is made of it in regional legislation on the governance of the territory. In fact the Strategic Operative Plan does not feature among the territorial and urban planning instruments enumerated in the Regional law 16/2004. The regional legislator has in a certain sense recognised the impossibility of including the OSP in the traditional planning categories, and has thus made a point of preserving the characteristics of this

complex instrument, undoubtedly *sui generis*, set out in law 21/2003.

Thus the OSP emerges as an instrument which fosters experimenting with new approaches to territorial rehabilitation. It shows awareness of the need to identify actions which are continuous, interactive and incremental, involving all the actors in the territorial system. It also sets out to ensure a role of mediation and negotiation between the complex demands for the institutions, mobilising all the interested parties. The fact that the regional law attributes its goals in part to the immediate imposition of prohibitions and in part to the definition of strategies and programmes by the Provincia shows clearly that the interests being safeguarded and catered for transcend the local level. For this reason it is bound to be an instrument that takes priority over general planning at the municipal level, able to impose guidelines and limitations to which the latter must defer. Thus the OSP is in fact a sectorial plan, i.e. a planning instrument designed, according to the definition provided by section 19 of the Campania Regional law 16/2004, to regulate specific interests and activities involving the use of the territory which, going beyond the municipal dimension, have been assigned to the Provincia, see Campania Regional law 21/2003.

As a general rule it can be assumed that the OSP has a mandatory status with respect to municipal planning, and municipal authorities have to ensure that their urban schemes conform to its contents. This naturally only applies to part of the contents of the OSP, and in particular to the normative framework for locating and implementing projects and interventions. In view of everything that has been said above, and in the absence of a valid

PTCP, the formation of the OSP has required the procedure set out in section 20 of the Regional Law 16/2004, pending approval, as laid down in Regional Law 21/2003, by the Regional Council.