

EUROPEAN PLANNERS COMMENT ON THE INU POSITION PAPER AND LINK IT TO THE [CHARTER OF EUROPEAN PLANNING](#)

CHARTING OUR COMMON URBAN FUTURE

The Italian Planning institute, INU, uses the lenses of the Charter of European Planning to revisit its position paper for the XXVIII National Congress (Salerno, Italy, 24-26 October 2013).



The “Charter of European Planning” was an important feature of the X Biennial of European Towns and Town Planners recently held in Cascais. There was agreement that the Charter could offer an excellent inspiration for follow-up action, as well as a basis for verifying past and ongoing initiatives and policies on the part of ECTP-CEU members and their associates.

This short paper has been prepared by INU, the Italian Planning Institute, to take a step in this direction. As stated in the title, its aim is to “revisit” the position paper INU prepared as the main discussion document for its XXVIII National Congress in the light of the Charter of European Planning. Accordingly, a summary of each of the paper’s four sections is followed by a reference to corresponding passages in the Charter, if any; and the results of this comparison are translated into brief questions addressed to the readers. Our hope is that this effort will contribute to positioning the Charter as a common language for a vivacious policy dialogue on the role of spatial planning in addressing the challenges and opportunities our common urban future presents. The full text of the INU position paper is annexed.

1. TITLE AND MAIN THRUST OF THE INU PAPER

The paper’s title, “Cities as the Engines of the Country’s Development”, resonates with the theme of the Cascais Biennial: New Paradigms, Challenges and Opportunities for European Cities - The contribution of Spatial Planning to overcome the crisis. The INU heading does not contain a reference to spatial planning, but the whole paper is indeed an effort to show how a nation-wide effort at spatial planning reform can contribute to “overcoming the crisis”. The paper, however, assumes that a) overcoming the crisis means boosting national economic development; b) urban economies drive national development; c) therefore, overcoming the crisis means re-starting the urban engine.

We will see that “City” is intended in a broad sense, and that the INU notion of development, despite definitional uncertainties in its introductory part, is much more that of “sustainable

development” than of “economic growth” (“regeneration” as the main agenda; discouraging sprawl and greenfield development; encouraging a shift from rent to productive and job-generating activities; and so on).

The Charter, on the other hand, makes no distinction for cities as such. Throughout, it speaks about “cities and regions/territoires. Of course, the Charter, whose purpose is to establish lasting principles, does not deal with contingent issues (which “the crisis” is, hopefully at least). It rather lays the foundation for long-term objectives for Europe (“The Vision”), and it develops ethical and operational principles”for the European planner (role, challenges, commitments).

QUESTIONS

1. Should virtuous spatial planning paradigms in national contexts reflect immediate challenges and seek contingent solutions, given that general principles are too difficult and complicated to translate into practice? Or instead, should our failure to keep pace with negative structural developments encourage a much more “visionary”, long-term, “European” view of “domestic planning”?
2. Do national situations, particularly those characterized by intricate legislation and procedures, demand homegrown solutions, or should we instead pursue inspiration from Europe-wide principles (i.e. Charter) and experiences both at the governance and at the “good practice” level?

2. THEME 1. URBAN REGENERATION AS RESILIENCE¹

Following a brief description of the “great changes in cities and their territories” (metropolitanization, porousness, discontinuity, low sustainability; economic collapse (real estate markets crisis, local finances, inadequate governance); degradation of environmental resources (land, air, water)),

the paper postulates that “planning and environmental policies” must change radically. And the first change needed is a shift in focus [from haphazard development] to urban regeneration (such as safeguarding all open spaces; re-naturalization; all transformations subject to environmental verification; energy retrofitting; upgrading of existing infrastructure).

The Charter certainly does not ignore these issues (e.g. p.18-19-20 - Sustainable Development, Ecosystems, Natural and Open Space Heritage, Energy). By and large, the direction is the same. Arguably, the choice of the term “regeneration” in the INU paper reflects an emphasis on the advanced state of “environmental degeneration” so widespread on the national territory, and the consequent need to “restore” the regenerative capacity of territories and indeed, cities.

QUESTIONS

1. The Charter covers the need for planning to be focused on environmental issues in a comprehensive way. As such, it is “prescriptive” rather than “remedial”. In line with the fashionable concept of resilience, the INU paper takes instead a “reconstitutive approach” (= how to patiently reconstitute a long-lost equilibrium). Are these two approaches conflictive? Or, on the contrary, could a visionary and a “let’s do something before it’s too late” approach strengthen one another?
2. The Charter is quite balanced on the social, environmental, and economic aspects of sustainable development. Does the INU paper’s regenerative thrust place an excessive focus on environmental issues to the detriment of the other two?

2. THEME 3. WHAT FORM OF PLAN AND THE NEW TASKS OF PLANNING

Here, inevitably, the INU paper takes on more specifically domestic connotations. It discusses the process of complete regionalization of planning responsibilities occurred over the last two/three decades and the consequent “diaspora” of differing legislative frameworks in the country’s 20 regions. Very few of them followed INU’s suggested model of a simplified local-planning system based on three components - a “structural plan”; a detailed five-year “operational plan” to guide new development; and a “rules and regulations” framework for the existing urban fabric. Urgently needed are a long-awaited national framework to reconcile regional discrepancies and contradictions, a thorough simplification of planning procedures, and a much more effective

¹ The term “resilience” does not appear frequently in the Charter. However, one of the assignments of “Planners as Leaders of Change” on page 34 is: “Promoting strategies, policies and programmes for greater “regional Resilience” to combat the vulnerability of cities and regions (territoires)to the effects of rapid urbanization, climate change, poverty and growing inequality”.

coordinating mechanism for all public bodies having a statutory role in planning decisions (co-planning).

The Charter, understandably, does not suggest any particular form of plan or combination thereof. However, it does recommend a variety of principles and criteria good planning and responsible planners should adhere to.

QUESTIONS

1. Legislation in all countries necessarily defines the modalities and responsibilities of statutory planning. To what extent, however, does our quality of life depend on the technical excellence of such frameworks, in comparison to the principles, roles and ethical rules that planners should champion and instill in those they work with?
2. Is there an optimal balance between subsidiarity, which reached a very advanced state in countries like Italy, and the need for coherent plan formulation and implementation criteria at the regional/national levels?

4. THEME 3. Resources for Territorial Governance, the Public City and Urban Welfare

In this final part, the INU paper deals with the problem of how to identify the resources needed to reach three objectives: territorial governance, the “public city”, and urban welfare. First among them is the recapturing of unearned increments of land values (recent legislation in a country known not to be inimical to capitalism, Switzerland, is mentioned). But since through these and/or other means it might not be possible to mobilize the resources needed for the urban recovery the paper advocates, it will be necessary to find new, ingenious ways. In the area of social housing, for example, the retrofitting and miniaturizing of a massive and aging housing stock might meet the growing demand for smaller and more affordable rental housing.

Although one might argue this did not belong to its terms of reference, the Charter does not indicate how to mobilize the resources needed to reach its impressive array of virtuous objectives. On the other hand, the self-assigned task of Yet, explaining “how we can do it” is probably as important as defining what to do.

QUESTIONS

1. Is the issue of the virtuous mobilization of resources required to implement the ambitious objectives of the Charter and its declination in individual European countries a topic planners should address more vigorously? If so, what mechanisms can be identified to exchange good ideas and robust practices in this area?

Rome, 4 October 2013

Note: INU solicits critiques to this paper, as well as to the full position paper annexed below - in French, English or Spanish. All feedbacks received by 21 October will be collated in a short document that will be distributed at the INU National Congress as a contribution to the Congress's theme on the part of our international partners and as a means to call attention to the Charter of European Planning.

To facilitate this task, contributors are encouraged to add the following two addresses to their e-mails:

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ANNEX

Cities as Engines of the Country's Development

POSITION PAPER Three themes for the National Congress

To think of cities as the country's engines of development means, first of all, to think once more in terms of development (or growth), albeit in a model of development (or growth) different from those conceived in the past: our unmet needs -work, housing, mobility, services - are still too numerous to let us think in a different direction, determined as it may be by economic and societal transformations that this prolonged crisis seems bent on crystallizing. Thinking of cities as engines of development means freeing the cities' capacity they possess to produce public and private

wealth. This capacity appears mute today, but it can be unleashed through a radical change in the way we see cities and consequently in the way we operate in them, re-discussing most of the analytical and operational certainties and paradigms we built up to now, including the very recent past. It means choosing urban regeneration as the central focus around which to redefine a new strategy of action to create, both in the medium and in the long term, a new model of public intervention and programming of resources.

A transition from a perspective of transformation and upgrading to one of urban re-generation means, in fact, on one hand, to put into play many more urban and territorial components. On the other hand, such transition means putting into play all the resources of urban economies, and using them to address needs of improved housing and services, of filling gaps of public-space provision and the improvement and better enjoyment of existing ones, of the development of the economy and job creation for growing urban populations. This approach aims first of all at freeing the resources cities already have, taking advantage of their endogenous potentialities and starting from a radical reform of local fiscal arrangements. At the same time, this will also require an intervention at the national and regional level consisting in an "exogenous" commitment to "policies for the cities", to promote and finance interventions that cannot be sustained by local authorities such as those related to mobility, public transport and energy infrastructure. A first signal of such an intervention already surfaced in 2012 with the "Piano Citta'", a commitment that gained further focus with the creation of the Interministerial Committee for Urban Policies (CIPU) early this year. These initiatives must be sustained and adequately developed starting from a National Urban Agenda capable of enabling municipal authorities to be directly involved in the elaboration of development strategies linked to the 2014-2020 cohesion policies, and of developing integrated actions in the area of sustainable urban development.

Thus, while these notes argue that the planning strategies of cities have to change radically, we cannot abandon our efforts to demand a new policy for cities on the part of central government. While such a policy will be able to rely, in the future, on all necessary resources once ongoing deficit and debt reforms are completed, the understanding is that even now central-government support will have to supplement the cities' own resources to create a new development scenario. In turn, such development scenario will have to be entirely different from those designed in the past. Only this way, putting in play their own energies and with the support of a national agenda, will cities be able to express those typical capacities for both competitiveness and for cohesion that stem from their own unique resources.

The great changes in cities

These first few years of this new century are characterized primarily by the great changes of cities, their territories and the society that populates them. Looking at European cities and at Italian cities in particular, we are witnessing a first and ever more evident change in terms of urban settlement systems: the explosion of the city in its hinterland and the surfacing of a new city - metropolitanized or post-metropolitan - radically different from the vastly regular and continuous growth process in metropolitan peripheries that characterized first the industrial city and then the modern city, and that planning strived to govern through regulatory instruments within a general framework of rational zoning. The contemporary city, where a majority (two-thirds) of Italy's population lives, is by now largely porous and discontinuous, made up of built, partially-built and open systems, with a great number of sites that in the past we would have considered partially transformable (abandoned and/or underutilized sites, various urban vacuums). Together, such areas offer a supply far in excess of any reasonable level of demand for development, be it of a public, or - in particular - of a private nature. This discrepancy, incidentally, also poses the problem of temporary uses to prevent urban decay.

The contemporary city is also characterized by a serious level of non-sustainability caused by the continuous erosion of environmental resources required by their metabolism, by the polluting and congestion effects of mobility systems still too dependent from private motorized transport, by the enormous waste of energy due to an aged building stock, and by land use practices indifferent to such predicaments. We are dealing, therefore, with a city that has to be tackled for what it is, realizing that it will not be possible to transform it as we imagined in the case of the settlement models of the past, in the form of a continuum of built up and open urban spaces juxtaposed with extra-urban space; that we shall not be able to densify it by filling in all its porosities and discontinuities; that we shall have to treat it bearing in mind its complex, molecular essence made

up of urban spaces of different density and land use patterns, of natural and quasi-natural spaces, where primary urban settlement situations can coexist with rural ones.

A second change, more recent and made more evident by the crisis we are still going through today, has to do with the urban economy: the collapse of the real estate sector due to the impoverishment of the population and the employment crisis, the credit crunch, but also to the overproduction of building stock of the last decades not matching a strong, but qualitatively different housing demand. At the same time, the very productive capacity of cities has subsided, partly because of the overall reduction of employment (the crisis caused the loss of 1.3 million jobs so far, a 9% reduction of family income, and a three-point reduction of GDP) which is, in turn, closely linked to the building and infrastructure sector and therefore largely of an urban nature. However, the most evident transformation has to do with the already mentioned growing gap between the increasing supply of amount of potentially transformable areas and the shrinking demand of the real estate industry. This gap, incidentally, will not be breached once -and if- the crisis ends, while it will inevitably change the mechanisms determining the formation and accumulation of unearned land value increment as well as real estate values as a whole.

More generally, the competitiveness of cities has declined, not only because of the crisis, but also because of outdated current governance and decisional models, which do not allow them to make timely and adequate decisions thus preventing the valorization of all available resources and opportunities.

Moreover, cities, like all local governments, are suffering from the severe reduction of public budgets operated at the central level, compounded by the lack of a rational and efficient local tax system. This raises serious doubts on their ability to ensure adequate services and infrastructure maintenance, as well as to ensure the needed increase of "fixed urban capital". In view of these problems, the ongoing reform of the most important local property tax (IMU) must ensure that the overall income remains at least at the same levels as the ones prefigured by the last budget.

The third great change affecting cities is an environmental one. A reference has already been made to the non-sustainability of the continuous erosion of fundamental environmental resources including non-renewable ones like land, threatened by the present development model, and to the need to pursue a settlement model based on a drastic reduction of land consumption and the re-naturalization of many unbuilt areas within the city, whose development does not appear feasible in view of expected trends. The excessive consumption of agricultural land and natural sites is not simply a landscape issue, as it concerns deeply rooted ecological problems such as the relentless paving of urban spaces, the loss of natural cover and the consequent reduction of the natural regeneration capacity of vital environmental resources such as air and water; it is also a significant cause of ongoing climate change and hence of the frequent occurrence of extreme meteorological events that pose growing threats to urbanized areas, already fragile because of haphazard development. Of course, this problematique also includes landscape and cultural heritage issues, too often considered lateral viz-a-viz mainstream planning.

Theme 1. Urban Regeneration as Resilience

In view of the great changes briefly described above, policies for cities, and in particular planning and environmental policies, must also change radically. The reason is that the paradigms that guided, or attempted to guide, urban expansion first and urban transformation later, are no longer valid. This new approach will necessarily take its departure from present urbanization, economic and environmental conditions of cities, and apply an adaptive strategy suited to specific contexts, aimed at reaching a new ecological state capable of achieving a balance between the availability of fundamental environmental resources and a sustainable growth path. This goes beyond the mere promotion of new urban redevelopment interventions and their wide diffusion, as it is meant to "re-discuss" all portions of the city whose functioning shows a deficit between available resources and those required for sustainable growth - counting among such resources, in addition to fundamental environmental resources, also energy sources. Such a strategy can, therefore, be defined as one of urban regeneration as resilience.

From a planning point of view, such an approach contemplates the following:

- The exclusion or radical containment of any new consumption of open space that does not perform a relevant function of environmental regeneration; not only, therefore, peri-urban and agricultural land, but also unbuilt land within the city (corresponding to the “porosities” and “discontinuities” previously referred to);
- The re-naturalization of surface hydrographic courses artificially surfaced during the last century and still being paved, and the increase of vegetal cover over permeable open spaces, publicly and privately owned, be they urban or quasi-natural, within the urban fabric - both required to contribute to territorial safety and stability;
- The selection of new transformations in built-up areas (areas to be redeveloped, textures to be restored), with modalities (indices, parameters) capable of enabling environmental regeneration;
- The regeneration of the many portions of built-up areas poorly equipped and underperforming from an environmental and energy-efficiency point of view, through interventions of substitution and/or radical restructuring;
- The regeneration, through functional integration and densification, of specialized facilities at the meta-local scale built for justified decentralization purposes but no longer sustainable from a functional and financial point of view;
- the maintenance, improvement and renovation of urban infrastructure, starting from the existing stock, previously neglected in the past in favour of major works often suspended for lack of funds. This includes, in addition to transport infrastructure, all water and sanitation networks, some of which perform a fundamental role in terms of urban sustainability - such as sewers in connection to surface and aquifer water systems and water supply distribution systems connected to uses of non-potable water; energy distribution networks integrated with renewable energy supply; and networks for the collection and disposal of solid waste.

Theme 2. What Form of Plan and the New Tasks of Planning

Contrary to what a superficial reading of present growth trends may suggest, the profound changes currently affecting cities and their hinterlands assign to planning and its fundamental tool for action - the plan - an even wider and more important role than in the past phases of urban growth and transformation. The reason is that we need greater ability both in interpreting ongoing phenomena with an eye to “anticipating the future”, and in searching for the most appropriate solutions to govern an extremely difficult situation, characterized by a generalized scarcity of resources.

In the recent past, INU often underlined the necessity of simplifying and innovating our planning system. Such a request will continue to be addressed both to national and regional legislators, in partnership with the other Associations that supported it. This is, however, simply a necessary but not sufficient step on the road to reform. Simplifying an inherently complex matter is not easy and it cannot be reduced to a slogan; however, what could be simplified as a starting point are the procedures for preparing and adopting plans - and in fact, such measures are reflected in the most recent planning legislation at the regional level. But the most relevant and effective simplification, capable of modifying our planning system in a significant way, is co-planning, i.e. the involvement - ab initio and throughout the entire process - of all authorities and agencies with responsibilities and competences in territorial governance, thus avoiding the sequels of frequent post-facto opinions issued after a plan's adoption that complicate and slow down the whole process. This is another historic demand of INU which, in fact, has been echoed in regional reforms - particularly with the introduction of planning conferences. However, the participation of state entities (those, for example, in charge of the protection of historical and artistic heritage and river basin authorities), is governed by state regulations and has occurred so far on a purely voluntary basis, thus invalidating the very spirit of this new mechanism.

More generally, INU must reconsider with more detachment the whole experience of reformist regional laws adopted since 1995 and successively post- 2001, after the reform of Title V of the Italian Constitution [regulating the respective roles and competences of stataal and regional entities], that we grew accustomed to consider the “planning reform”. This “reform” was, on the contrary, a half completed one, as not all regional legislatures adequately developed the “INU model” consisting, in essence, of a new structural plan of a non-prescriptive, programmatic nature and bearer of a strategic vision; an operational plan, prescriptive and legally binding but of limited validity, with the automatic expiry of development permits after a five-year period; and finally a planning code, i.e. rules and regulations for the built-up city. Some regions, however, have adopted

these new models without changing the juridical nature of plans; others simply confirmed the regulative nature of the old "Piano Regolatore Generale" (PRG), totally ineffectual in the face of ongoing territorial transformations. Thus, in many cases we register a return to the past, with the old regulatory instruments masqueraded as structural plans. A significant example is the recent case of the Piedmont region, which legislated numerous albeit insignificant modifications to the glorious "Legge Astengo" while abandoning the path of innovation and reform. Innovative pieces of legislation, such as those proposed by the Friuli-Venezia Giulia and Marche regions, are few. Even the new implementation mechanism proposed by INU - equalization, compensation, new discipline of building rights - albeit adopted almost everywhere, lacks a codification at the national level capable of correcting distortions such as an excessive use of land caused by the calculation of equalization and compensation rights based on allowed construction surface and not on the actual value of potential transformation - a correction that would, moreover, be better suited to the present situation.

The emerging picture is, therefore, one of an incomplete reform and of a "planning federalism" oscillating between the improbable and the ridiculous, with scores of different denominations for the same thing and many juridical contradictions which weakened regional legislation once subject to jurisprudential review. INU and its regional chapters, therefore, should consider this "incomplete reform" for what it is, with as much disciplinary diligence as required but also with the necessary scientific rigor, without any special benevolence for the reform it inspired in 1995. Above all, the most flagrant absence is the absence of the State and of a Law on the Fundamental Principles for Territorial Governance, an indispensable step to recompose the maddened pieces of the regional puzzle, that INU must continue to demand - without necessarily considering this the centerpiece of its advocacy. On the other hand, there is reason for hope. Recently, a legislative proposal, Norms for the Containment of Land Consumption and Urban Regeneration, has been presented to Parliament. This proposal contains many positive features and would, in fact, address many aspects introduced by the above mentioned Law of Principles, with the exception of the fundamental points of genuine co-planning procedures and of the new forms of the plan. This instrument - the plan - once thoroughly innovated as repeatedly pointed out by INU, appears indispensable for governing ongoing changes within cities and their territories. As to the containment of land consumption, the legislative proposal recalled above is not the only one on the floor: in addition to others from different parliamentary groups, there is one formulated by the present government itself within the so-called "Decreto del Fare". All of them constitute proof that this topic now resonates with public opinion and give reason for hope in a rapid and adequate legislative solution.

As to the juridical efficacy of plans - a topic that cannot be addressed in contradictory ways at the regional level - the regulatory and conforming nature of real property must be abandoned decisively and once and for all. The structural plan model must be implemented with greater coherence by introducing a key innovation capable of radically changing our way of planning: giving up any "synoptic representation of a presumed end-of-state" in favour of programmatic documents dispensing with the task of detailing all possible transformations - as is the case today even when at issue are not objective situations of indisputable public interest. More precisely, this would imply a preliminary selection within the many areas capable of transformation, also taking into account the relationship mentioned previously between supply and effective demand; and consequently, operationalizing only those transformations whose time has come and which are supported by a consensus at the community level.

Building a structural plan means articulating essential provisions in relation to the three fundamental systems - infrastructure, environment and settlements. Such provisions are of a programmatic nature - given the "non-conforming" juridical nature of this instrument - save for those deriving from "recognized boundaries". These boundaries, that can stem from national and regional norms or from projects, including local ones, defined in every aspect, have taken the name of "invariables", given their long-term character and their concern for entire categories of goods or territories. Defining such "invariables" is also a task of the technical wisdom of planners and of other specialists called upon to design various aspects of a plan: an important wisdom, built over time, although all too often underrated by politicians - not without fault on our part. Such invariables are to be defended as non-negotiable, by virtue of the technical worthiness of their identification and the connected full responsibility for key choices that must be attributed to planners and their consultants.

The structural form will have to be accompanied by a new scale of planning to take into account the diffusion of metropolitanization, while the municipal scale will be feasible only in those special cases characterized by the absence of the new post-metropolitan dimension of the city. We must also keep in mind that in 2014, as a consequence of Law no.135 of 2012, ten Metropolitan Cities will be instituted to replace present provinces, while the process of abolishing the other remaining provinces will continue. Obviously, the only form of plan feasible for the Metropolitan Cities will be the structural plan. And the same will have to apply to all other territorial coalescences produced by metropolitanization, thus elevating structural and strategic planning to the multi-municipal level.

The new general strategy of urban regeneration that we proposed earlier to tackle the challenges of the contemporary city also implies a thorough revision of the planning techniques employed so far. This is an area where INU - by virtue of its history, its social structure, its cultural and disciplinary imprinting - is uniquely suited to claim its own, including at the professional training level. Following below are some of the most relevant aspects of urban regeneration requiring an evolution of operational planning techniques:

- The regeneration of the existing building stock, be it through a conservative or a substitutive approach. In the first case, the hypothesis is to improve the habitability and energy efficiency performances of the existing stock, keeping in place residents but adapting floor areas to their actual needs;
- The regeneration of urban brownfields (decommissioned, abandoned and interstitial sites). This topic is not new: however, past interventions have been characterized by a strong component of speculation and very high value increment expectations leading in turn to densities and utilizations unsuited for the urban fabric they were part of; therefore, solutions must be sought coupling environmental regeneration with the provision of additional services and public spaces for the surrounding areas;
- The regeneration of public spaces, by inserting compatible functions (commercial, high-end, services, parks and ecological greens); this aspect, already widely practiced, requires a search for the economic balance needed to make interventions feasible;
- Land uses for energy waste containment, with planning solutions responding to appropriate design techniques (densities, heights, settlement typologies, ecological features, and so on) thus determining positive energy behaviours at the settlement level, and reducing energy requirements;
- The revision of existing planning standards, necessary both as a result of a sustainable, non-car dependent mobility, and of adequate urban ecological networks connected with territorial ones. In the first instance, the ratio of parking spaces should be reduced in the presence of alternative transport systems or in areas closed to vehicular circulation. In the second instance, the supply of "public space" will have to include all open spaces, public and private, that enable the continuity of ecological networks, and that will have to be considered in the calculations of public space standards. At any rate, the updating of the 1968 Decree [on planning standards], issued at a time when urban, environmental and above all socio-economic conditions were totally different from those of today, is an objective necessity.

Finally, the new way of planning must put in place from the very beginning a path of designing and knowing the city, with the plan becoming not just the place where rights are granted and transformations outlined, but also a catalyst for the ideas that must, from the start, guide political decisions. In sum, we must rediscover and re-interpret integrated urban policies and rapidly find answers totally different from the traditional ones, precisely because they are bound to be coherent with the new urban condition acquiring its contours from the irreversible effects of the crisis.

Theme 3. Resources for Territorial Governance, the Public City and Urban Welfare

This theme was the focus of the debate at the previous twenty-seventh Congress in Livorno. However, despite the importance and interest of these topics, we have not registered theoretical advances on our part, neither elsewhere, nor in the planning practices, however reduced and influenced by the crisis, that emerged since then. This has also been influenced, at the national and legislative level, by policies entirely devoted to capturing resources and subtracting them across the board from cities, regarded as easy targets for spending cuts rather than potential laboratories for growth.

In any event, also because of the scenarios the crisis ushered in during these last few years with a further reduction of the resources needed, it becomes more and more evident that any future plan will have to confront the issue of available or obtainable resources, and avoid (or postpone) any provision whose implementation is not backed by real resources. This will also have to be the “style” of future planning actions, inspired by sobriety or, if you will, by a new austerity, so as to guarantee realism and common purpose to planning choices.

Among the possible economic resources to rely on one must always consider the unearned increment on land, a “wealth” produced by the city and its territory and up to now almost exclusively privatized. The option formulated by the twenty-seventh Congress of INU of a social redistribution of the unearned value increments of land, albeit not developed further since then, has drawn support from many - from entrepreneurs to unions, from the National Association of Developers (ANCE) to professional guilds. After all, hitting rent as a non-productive factor has always been a principle of liberal economics, despite the fact that in Italy, after the attempted “Sullo Planning Reform”, the same principle has never been upheld save for a partial measure in the “Legge Bucalossi” of 1977 with the introduction of the principle of due payment in exchange for building permits. This does not happen in other European countries explicitly embracing liberalism such as the Swiss Confederation, where a federal law confirmed by popular referendum enables each Canton to impose a levy of between 30 and 50% on the increments in real property values produced by a formal building provision (such as a zoning decision) that (quote) “increases significantly...without any effort on the part of the owner”(unquote). The proceeds from such levy flow into a municipal fund to compensate land owners whose previous building rights are removed by a new planning decision (“dezoning”), or to create public spaces like squares and parks. It is a choice inspired by a stringent and clear logic, that INU considers an example to study in depth, despite the differences between our two countries in terms of land and planning legislation, in addition to the different weight of rent (the “real estate surplus value”) (accordingly, the Swiss law in its definitive version is published on INU’s web site.

While a law of this kind should be, in fact, promoted in Italy as well in order to access the main potential resource to finance the “public city” (public space, local public works, and social housing), we should not underestimate the variations in unearned income accumulation in our cities and the related differences in financial margins allowed by this redistribution hypothesis. In addition, the crisis, taking into account the enormous dimensions of the built up stock and the high levels of home ownership, has profoundly modified the Italian real estate market to a point where many experts think it impossible to go back, even in the long run, to previous real estate values and to a market as rich and dynamic as the one that had developed up to the beginning of the crisis itself. That market had allowed for the experimentation of forms of partial social redistribution of rent through the realization of public works (“qualitative” standards) or via the imposition of “extraordinary contributions”.

At any rate, the need to mobilize new resources for the “public city” suggests we should keep moving in this direction, evidencing even more clearly the feasibility of redistributing urban rent through new fiscal arrangements.

Similarly, the possibility to capture significant portions of unearned income including the realization of public projects, which has been experimented by some local plans and incorporated in some regional laws, will have to be the object of national legislation. Such a provision should be applied in all cases where real estate markets show a particular buoyancy, in addition to unearned income capture through fiscal measures.

The positive contribution that new taxation measures can offer is to help implement ambitious policies that planning by itself cannot resolve. Such is the case of the containment of land consumption and urban regeneration, strategies that demand extra resources in addition to those required for standard implementation practices.

More generally, the issue of fiscality, and of resource generation at the local level in particular, must become an organic component of plan implementation and in the mobilization of the resources required by the “public city”, keeping in mind that not all the needs of territorial governance and therefore of planning provisions can be funded this way. This is the case of the financing of major infrastructure, of hydrogeological safety and of seismic protection which do

belong to the sphere of structural planning but must be financed at the central level. However, the high costs borne every year in remedial interventions after major damages to our territory and our fixed capital stock suggest that preventive measures of this kind should be the concern of prudent budgetary policies. A few norms introduced in 2012 by the then “technical government” do point in this direction.

An issue that deserves separate treatment is Edilizia Residenziale Sociale (social housing). Over the past few years, INU has treated this issue within the sphere of the “public city”. Previously, however, social housing had been funded directly by the State, because it was considered a fundamental right just like education and justice. While state support for subsidized housing declined considerably, public funding for Edilizia sovvenzionata (public housing units assigned for rental to needy households at social price) ceased altogether more than fifteen years ago. Such funding stopped not only for new construction, but also for the maintenance of existing public housing units, thus determining the culpable alienation of part of the public housing stock; while public housing needs have certainly not disappeared (such needs are estimated today in the range of 500,000 housing units). Faced with such situation, which affects in particular three social groups (youth with precarious jobs, single aged people, and migrants), sheer necessity suggested experimenting with new forms of social housing, an approach imported from other countries. As we know, this involves generally public-private negotiation (Inclusionary Housing) to promote the construction of price-controlled housing, both for rental and for sale; therefore, a kind of housing aimed at solvent clients (“affordable housing”, defined in Italy as Edilizia convenzionata e agevolata). This kind of housing can also produce a minor portion of rental housing for economically weaker households (social housing). In Italy, however, this term is used to include a whole range of housing solutions, including those directed at higher-income recipients.

Although this kind of social housing has registered positive experiences in our country, our overall structural conditions exclude the possibility of it becoming the definitive solution of the problem. The extremely high ratio of owner-occupiers (double that of the US and of the UK) and the size of non solvent demand, coupled with the virtual paralysis of housing markets and the heavy restrictions on borrowing enacted after the crisis, make this approach unfeasible and force alternative paths. One of them was suggested by Campos Venuti in a short essay which is also available on the INU website www.inu.it (“Patrimonio edilizio: Rigenerazione vs Espansione”). This essay recommends to intervene on the relevant portion of the nation’s housing stock (more than 30%) of low efficiency, high consumption of energy, and of a size inadequate to present needs of average households. What is proposed is a regeneration strategy capable of throwing on the rental market a stock of housing units far superior to current demand without increasing the stock itself in terms of rooms, but only in housing units, thus guaranteeing to owners an income on property currently out of market range and a relief on maintenance costs that are no longer affordable. This could be translated into a nationwide policy that the State could manage guaranteeing social equity but without the usual difficulties linked to budgetary constraints.

The bottom line, of course, is that the same State, once its financial house is in order, will necessarily have to start re-investing in social housing, as well as in the satisfaction of all other fundamental rights of its citizens.

Endorsed by the National Board,
Rome, 28/29 June 2013

COMMENTS

- Henk van der Kamp - President, ECTP-CEU

Cities as Engines of the Country’s Development – a position paper for Italy interpreted through the lens of the Charter of European Planning.

Introduction

These are personal comments on the position paper *Cities as Engines of the Country's Development* that has been prepared by the Italian ECTP-CEU member association INU². The comments are based on an interpretation of the paper (here referred to as INU paper) in the context of the ECTP-CEU document: *the Charter of European Planning*³. This brief paper lists a number of questions, some of which were prompted by reflections of the INU itself on the European Charter⁴. Reference is made throughout to specific numbered paragraphs in the Charter.

Is the INU paper too much focused on short term instead of long term?

A paper such as the INU paper should provide a stimulating proposed response to issues that are current in Italy but should show that the core *principles* and the shared *vision* of planning as outlined in the European Charter, are maintained. It is important that spatial planning is always done based on a 'vision' (which must be long term) and 'principles' (which must be fundamental). Both are described in the Charter. See for example: paras: 60, 74, 78.

Is the INU paper ignoring European Planning and too much focused on national policies?

The value of the Charter and the work of the ECTP in general, is that it approaches European planning in three aspects:

- Comparative planning systems (how can we learn from other systems and also bring systems gradually closer to a common format)
- Cross border policies
- Pan-European planning (e.g. Trans European infrastructure networks)

National situations always require solutions that are appropriate for the national situation but should not ignore European planning in these three respects. See for example: paras 13 (cross border), 59 (common format), and 63 (pan-european planning).

Is it appropriate that the INU paper concentrates on the cities?

Focus on the potential of cities, and urban regeneration (theme 1 in the INU paper) is appropriate and in accordance with a number of principles in the Charter. However, it must always be based on the social, economic and environmental benefits. See for example para 62.

However, the following questions arise:

What is meant by: 'transition from a perspective of transformation and upgrading to one of urban re-generation' (p.5). Need to be more precise, perhaps illustrate with examples. Ultimately the lack of competitiveness of cities that the paper outlines is noted (p.7). This is consistent with the vision of the Charter that attractiveness of cities (urban quality) and appropriate spatial form (polycentric) has a direct impact on the economic success of the city. Evidence can be found for example in well planned cities such as Vienna where property is currently much in demand. See for example: paras 32, 33, 35, 36.

Does the INU paper focus too much on environmental issues?

The comments in terms of environmental issues (p.7) are well described in the Charter. See for example para 47. However, successful development of cities will need to integrate social, economic and environmental issues in a balanced manner. This is a core principle of the Charter. See for example para 62.

Is it appropriate for the INU paper to focus on the 'planning system' in Italy?

Yes it is (themes 2 and 3 in the INU paper). Planning systems must be appropriate to the national situation and can therefore be different for different European countries. However, they should adhere to a number of principles that are reflected in the Charter in particular the planning hierarchy (para 64), public participation (para 22) and plan led development (para 65).

Is it appropriate for the INU paper to focus on the question of finance and resourcing?

² *Cities as Engines of the Country's Development*, position paper INU, National Congress october 2013.

³ *The Charter of European Planning*, ECTP-CEU, 2013.

⁴ *CHARTING OUR COMMON URBAN FUTURE*, The Italian Planning institute, INU, uses the lenses of the Charter of European Planning to revisit its position paper for the XXIX National Congress (Salerno, Italy, 24-26 October 2013).

Yes it is (theme 3). The Charter is relatively silent on the way in which planning policy implementation can be achieved in terms of financial resources but the relevance of the theme 3 and the suggested tools and instruments is supported by the principle outlined in para 72a.

Conclusion

The development and adoption of the INU paper is highly relevant, appropriate and to be welcomed. It is only through such initiatives at national association level that the Charter can be implemented and remain a 'live' document. It is extremely useful for the ECTP-CEU as an umbrella organisation of national associations representing professional planners, that conditions in individual countries are contrasted with those in other countries which can and will lead to a continuous process of refinement and interpretation of the Charter in terms of its contribution to the professional practice of spatial planning throughout Europe.

Hendrik van der Kamp
President ECTP-CEU.

-Louis Albrechts (Belgium)

The INU paper is an interesting piece of work. The changes of urban settlement systems question administrative borders. Here I am convinced that according to the issue at hand we are confronted with different demarcations. Difficult to work with! I also agree that we have to start from a fine grained analysis of what is. But this analysis reveals in most places a set of structural issues, problems challenges: ageing population, diversity, spatial segregation, social justice, pollution, energy use, mobility, massive rise in unemployment, housing, austerity policies which have impact on budget of cities, impact on money available for planning, urban projects..

But for me these problems are structural and need transformative visions, policies, practices. I am very much in favor of taxation of unearned land value increment. A lot of work has been done by the Lincoln Institute. I also link the quest for city competitiveness to the neo-liberal climate. The result is a shift from distributive policies, welfare considerations and direct service provision towards more market-oriented and market-dependent approaches aimed at pursuing economic promotion and competitive restructuring with often a democratic deficit. Of course environmental issues are crucial but again they need transformative practices. Your strategy of urban regeneration as resilience has interesting elements but are they not too 'physical'? I miss a bit the social dimension. My paper dwells on your second theme of what type of plan and the new challenges for planning. Both traditional statutory planning and traditional strategic planning have some merits but as I tried to argue we need something more. Hence my plea for a more radical type of strategic planning as a complement. I also remain convinced that the three central concepts I proposed (conflict, coproduction, legitimacy) are worthwhile to reflect upon. It is clear that all this has a severe impact on urban governance.

Nuno Travasso (Portugal)

3. Should virtuous spatial planning paradigms in national contexts reflect immediate challenges and seek contingent solutions, given that general principles are too difficult and complicated to translate into practice? Or instead, should our failure to keep pace with negative structural developments encourage a much more "visionary", long-term, "European" view of "domestic planning"?

As expected, the simple answer is that we need both approaches.

In our research group, at FAUP, we tend to point mainly to the approach presented in the INU paper; seeking proposals that emerge from the analysis and recognition of the present complex context. We

think that our role is to understand our context and try to give answers to the problems and complexities of our time, especially in this difficult moment.

This position reacts, in some way, to a very common view (mainly in the architecture field) of standing for certain urban or territorial models and trying to impose them everywhere. The development of general visions may have the disadvantage of establishing standard models, which are then used both as basis for evaluation and as basis for action, independently of the specific contexts. In my view, this creates more problems than solutions.

On the other hand, we often discover the need for long-term visions. In fact, contingent solutions need long-term visions to point the way. In spatial planning, every action influences long-term evolution. This means we need some kind of shared vision of the future to guide and give coherence to all actions. Therefore, we also need to work on the development of such visions, always having in mind that they shall emerge from the existing conditions, instead of being created as abstract ideal models alien to our reality.

In my view, the Charter presents general principles that we may consider to be mainly consensual. These principles may be seen as basis for the creation of the needed future visions.

However, even if the main objective of the Charter seems to be the creation of the framework for the development of future visions, I think that in its Part B and Part C it could – and should – be more clear in relation to the role of planners in the answers they are expected to give to the specific social, political and economic context of each moment.

4. Do national situations, particularly those characterized by intricate legislation and procedures, demand homegrown solutions, or should we instead pursue inspiration from Europe-wide principles (i.e. Charter) and experiences both at the governance and at the “good practice” level?

Again the question of these two scales: European vs national/local; long-term vs short-term.

Again the same answer:

On the one hand it seems important to have some consensual guidelines at an European scale. And in fact, they seem to emerge (as we can see both from the Charter and from the presentations held in Caiscais).

On the other hand, the idea that these guidelines may be directly transferred to local spatial planning practices, or that it would be possible to develop a common framework for spatial planning policies in all European countries, seems to me as something that should not be considered. Spatial planning culture is too different from country to country and touches too many fields – from the specificities of each territory, administration structures, and actors involved, to legal framework or land property culture. Forgetting that and pointing towards a common practice would certainly result in failure and create unnecessary conflicts.

2. THEME 1. URBAN REGENERATION AS RESILIENCE

QUESTIONS

1. The Charter covers the need for planning to be focused on environmental issues in a comprehensive way. As such, it is “prescriptive” rather than “remedial”. In line with the fashionable concept of resilience, the INU paper takes instead a “reconstitutional approach” (= how to patiently reconstitute a long-lost equilibrium). Are these two approaches conflictive? Or, on the contrary, could a visionary and a “let’s do something before it’s too late” approach strengthen one another?

Personally, I have some problems with the idea of returning to some kind of lost past equilibrium, in the sense I see no equilibrium in the past: I see no equilibrium in a large-scale perfect urban composition if it has only been made possible by an absolutist power; I see no equilibrium in small urbanized areas if that means that people have no access to good housing conditions; I see no equilibrium in strong local communities if that means restrictions to individual freedom and the impossibility of social mobility; I see no equilibrium in daily practices and rituals based on proximity if that means having no right to mobility and having little possibility of choice (of where to buy, of where to work, etc.)

In fact, the idea of a perfect lost past is as old as the creation of the idea of a lost paradise – and, once more, I see no equilibrium in two naked guys alone in a garden, with no right to knowledge.

In my view, the idea that the past was (in its whole) better than the present is as untrue as the modern idea of a teleological time, where something new is always better than the old, and according to which the objective would be to be in front of our timeline: in the vanguard.

In fact, I think that establishing the idea that, in the face of an ugly unexpected future, the movement should be a U-turn is a dangerous idea. The past decades and centuries created many problems; but at the same time brought us lots of good things we are not ready to give up.

This being said, I stand for the simplest of the ideas: reinventing the future acknowledging the past errors (namely, the errors made in the name of “the future”). We need to recognize the errors that we have done, the things we have lost, and, especially, the things we are going to lose if we do not change path – and in this sense a “let’s do something before it’s too late” approach is certainly needed. But, at the same time, we need to recognize and stand for all the achievements we have accomplished and we do not want to lose. And this “simple” equation should be the basis for action. Or, as Bruno Latour has written: imagine that, innovating as never before but with precaution!

2. The Charter is quite balanced on the social, environmental, and economic aspects of sustainable development. Does the INU paper’s regenerative thrust place an excessive focus on environmental issues to the detriment of the other two?

Personally, I tend to be more sensible to social or economic arguments than to environmental ones. Probably because I see environmental issues as long-term ones, or because I take them for granted, as they seem to be consensual inside the academy, or simply because there are already so many people defending them.

However, I don’t find the INU paper excessively focused on environmental issues. In fact, the main proposal presented in the Theme 1 points toward a regeneration (Nuno Portas calls it reurbanization) of the huge urbanized areas that are the result of decades of fast urban growth. In my view, this is really important. But it is mainly a socio-economic problem. By saying this I do not mean that the environmental

question is not of major importance. But to meet the environmental objectives it seems enough (which does not mean it is easy) to establish some unquestionable standards that everyone has to guarantee, and to define some goals. The difficult question is how to implement it.

The problem is that this urbanized area is huge, and the State has no financial resources to regenerate it (in fact, in Portugal, at the moment, it has no recourses to maintain it). At the same time, developers stopped investing. In Portugal, the building sector is now focused on small rehabilitations inside the main historical centers or focused on big investments in African countries or in Brazil. The investment in regenerating all those fragmented and poorly built urban areas from the 70's, 80's and 90's is just not profitable. This means that all these urban areas will now start to enter a deterioration process due to the lack of investment. These are the same areas from which public services are now being cut. The same areas where everyone depends on private transport, which is now getting more and more expensive due to oil prizes at the same time people are losing their jobs or seeing their wages cut. These are the areas where people with greater difficulties are just being disconnected from the system. I think that what I mean here is that finding a way to reboot these areas and creating a process to regenerate and consolidate them is urgent, before it is too late. And this is a difficult economic and social problem.

3. THEME 2. WHAT FORM OF PLAN AND THE NEW TASKS OF PLANNING

1. Legislation in all countries necessarily defines the modalities and responsibilities of statutory planning. To what extent, however, does our quality of life depend on the technical excellence of such frameworks, in comparison to the principles, roles and ethical rules that planners should champion and instill in those they work with?

Of course, good laws are a good thing.

However, we seem to be reaching the conclusion that the culture of spatial planning practice is much more important. That is the conclusion of a recent book by Prof. João Ferrão. Working for the last 3 years with a Dutch urban planner, I tend to agree. He is always reminding us that our legal framework is in fact very similar to the Dutch one; but our practice is completely different. I also tend to think that good new laws proposing innovative planning practices are often difficult to understand and absorb by all the institutions and actors involved.

At the same time, it seems to me that a much more interesting planning practice can be developed within the current legal framework, be it the will of all the actors involved.

Therefore, I think that some experimentation at the local scale should be encouraged inside the existing legal framework. In this way, new legislation could be created based on the good small experiments, already tested.

2. Is there an optimal balance between subsidiarity, which reached a very advanced state in countries like Italy, and the need for coherent plan formulation and implementation criteria at the regional/national levels?

Well, I don't believe in optimal solutions, but a better balance should be possible. However this is a really complex theme and very dependent on specific national legal frameworks.

In Portugal, we are now approving a new law that will change this a bit (once more). Let's see how it works.

4. THEME 3. Resources for Territorial Governance, the Public City and Urban Welfare

1. Is the issue of the virtuous mobilization of resources required to implement the ambitious objectives of the Charter and its declination in individual European countries a topic planners should address more vigorously? If so, what mechanisms can be identified to exchange good ideas and robust practices in this area?

I agree that this is a topic planners should address more vigorously and that the Charter should point that out. In fact, our role is not to create ideal abstract cities, but to work in specific contexts, with specific conditions. In this sense, the existing resources are a main issue.

Saying this I don't mean that the Charter should present specific proposals for mobilization of resources. Again the difference of scales between the European long-term vision of the Charter and the search for contingent proposals of the INU paper: the resources problem is not the same in Portugal and in Germany, as it will not be the same now and in 25 years; so it is understandable not to make specific proposals in the Charter.

Existing resources are undoubtedly one of the main questions planners should address. And it is a question we should address having in mind different scales in time: what can we do now with the existing resources and legal framework; what can we look forward in 5 years, in 10 years, ...?

The new law that is presently being discussed here in Portugal is now pointing to finally retain part of the real estate surplus value. However, at least for the next few years, this will have no consequences as the investment on new real estate developments has basically stopped. On the contrary: what we are now asking the developers (regeneration) is more likely to be partially financed by the State than to be taxed.

Our research group is now starting a new project that will look to some of these issues. Resources will necessarily be a main theme. We try to work with the existing framework in terms of taxes (even if our government could discover any more ways to tax anyone, the result would not be more resources to the reurbanization process, but less people fired, or less cuts in the health sector, I hope). And as the main goal is seeking new ways to mobilize all the available resources, we will be starting from the recognition of those existing resources. For that, we will take the notion of resources in a broader sense: central and local public financial resources, private investment capacity, European funding, but also, existing private and public services, local associations, academic/research institutions, unused buildings and terrains, all kinds of established dynamics. We believe that mobilizing new actors and involving them in the process could help in the time of scarcity we have in front of us...

