



The crisis of the landscape, the crisis of the norms for the landscape, the planning of the landscape between uncertainty and second thoughts.

A few basic issues

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Abstract

Landscape planning is the result of a complex and coordinated effort. The interpretation of the idea of Landscape by the Urban Planning discipline is clearly facing some hardship. In Italy, the tools of the Landscape planning currently in effect (Landscape and Cultural Heritage Code – L.D.42/2004 and subsequent revisions) include a not flexible and straightforward series of rules.

At present the landscape planning discipline is facing a rethinking of its models due to the inadequacy of its founding standpoints and of some ideologically manufactured claims based in turn on a specious conception of identity. This is proven by the fact that several regional plans are having a very hard time applying basic rules and regulations to the practicality of the planning at a local level.

In order to better explain the above mentioned points, we are going to present the case of the Sardinian Regional Landscape Plan (SRLP) in which several critical issues arise and converge as they stem from the uncertainty of the rules and are consequently accompanied by seriously negative outcomes.

Keywords: Identities and Invariants, Landscape and Cultural Heritage Code, Landscape Planning, Norms and Landscape, Sardinian Regional Landscape Plan

1. Introduction

Landscape planning is the result of a complex and coordinated effort. The interpretation of the idea of Landscape by the Urban Planning discipline is clearly facing some hardship. In Italy, the tools of the Landscape planning currently in effect (Landscape and Cultural Heritage Code – L.D.42/2004 and subsequent

revisions) include a neither flexible nor straightforward series of rules.

To preside over the management of the Landscape we have, on the one hand, the advanced and exclusive vision elaborated by the constitutional legislator, and on the other a reductionist perspective of the Landscape in the sense that this is perceived and therefore treated

as an asset belonging to the community and is subject to an incoherent and inter dependent set of rules depending upon the regulations of the Landscape planning (Carrà, Gasparri and Marzuoli, 2012, pp. 91-98). If the European Convention for the Landscape itself demands (art. 5d) that the Landscape is integrated in the urban planning, in the cultural policies, as well as in the general policies, we can no longer circumvent the idea that the clarity of the regulations, originating from the contribution of several and diverse territorial lobbies¹, represents the foundation of the criteria to adopt for its management and advancement.

This concept constitutes “the point of no return” of the territorial policies, to the extent that the regulations, besides reflecting the deepest aspirations of the local communities, may also guarantee that the communities themselves project in the landscape their rules-conformed idea of landscape.

At present the landscape planning discipline is facing a rethinking of its models due to the inadequacy of its founding standpoints and some ideologically manufactured claims based in turn on a specious conception of identity. This is proven by the fact that several regional plans are having a very hard time applying basic rules and regulations to the practicality of the planning at a local level. The acknowledgment of the cultural framework of the landscape regulation is not necessarily operational in the laws, therefore it is not clear how to protect the common good when the laws disregard the principles of “public rationality” (Treu, 2011, p. 21). Recently this discrepancy had to deal with the bill “Principles regulating the public management of the territory in a changing city” (Lupi Bill, 2014) which “de facto” abdicates a systematic confrontation with the issues of the Landscape planning and results in an actual short circuit among the many different levels of planning.

In order to better explain the above mentioned points, we are going to present the case of the Sardinian Regional Landscape Plan

(SRLP)² in which several critical issues arise and converge as they stem from the uncertainty of the rules and are consequently accompanied by seriously negative outcomes. The Sardinian Regional Landscape Plan is a convincing one on many levels, such as for instance the study of the classification of the cultural invariances³, and its contribution to prevent cases of pillaging of the coastal landscape, but it has critical cultural limits and methodological flaws directly related to the irresolution of the laws (Figure 1).

One of these flaws is the lack of a strategic vision and coordination among the many authorities presiding over the territory, which confers a substantial limit to the protection and the guarantee of the Landscape interpreted as a common good. Another one is the interpretation of what constitutes the real identity of the common good which is highly debatable and controversial in itself. An additional concern is the partiality used to evaluate the regional territory: the plan only considers the coastal border which is just a part of the Landscape, therefore ruling out a very important component of the territory. Such disparity is detrimental for the Landscape as a common good because it generates conflicts, inequalities in the assigned value of the estates, and decreases the sense of belonging to the larger community. We are therefore convinced that the planning of the territory needs unequivocal rules, clear limits in the range of the possible interpretations of the norms and more responsibility on behalf of the legislators to apply restrictions instead of implementing them in an overweening unlimited fashion as too often happens today.

² Italian: *Piano Paesaggistico Regionale* (PPR).

³ As Alberto Magnaghi wrote: “Structural invariants are thus elements (goods, territorial types, relations between territorial and environmental systems) structuring the territory, its identity, its health, quality, landscape and potential as a lasting heritage resource”. The invariants have not varied in the long term though cycles of territorialisation (Magnaghi, 2005, p. 95).

¹ Such as private actors, powerful notables, civil society, local politicians.



Figure 1. Historical Sardinian Regions.
Source: Elaboration on Autonomous Region of Sardinia website.

2. The Premises

The Sardinian Regional Landscape Plan (SRLP) was established in 2006 as one of the most important and ambitious planning experiments of the last 20/30 years and in essence represented the attempt of the Sardinian government to dictate common rules that slowed down the exploitation of the territory. These rules are supported by so called “agreements of co-planning” among the Sardinian government, the Ministry of Culture (Mibact) and the municipalities. The latter are assigned the unenviable task of updating their planning tools,

which, according to the Landscape and Cultural Heritage Code 42/2004, must take into consideration the rules and regulations of the Landscape plan (art. 145). Some municipalities attempted to attribute a feature of invariance to the rules of Landscape creation, but they have been unsuccessful, because the reading frame of the relative methodology is uncertain and incoherent. The net result has been that practically no Municipality managed to complete the updating process (that has been furtherly complicated by the Strategic Environmental Assessment (SEA) In 2009 the new Regional Council inaugurated a season of revision of the Plan, but made the above mentioned errors, although it reduced the number of the invariances (the fewer the invariances, the fewer the problems). The Municipalities then started a new study of their territory and found specific territorial goods to invest in (to ascertain the value of a property invariably entails its appreciation and favors the growth of the local economy) and to subject the Sardinian government, the Mibact, and the municipalities to a “cooperative planning”. This means that the plan was changed again, calling into question its previous structure, but it was still far from presenting accepted and clearly stated unequivocal rules. The rules of the realization of the regional plan were also updated and the Municipalities had to reconcile them with the reality of their territories. As a matter of fact the dreaded simplification ended up with a weakening of the desired certainties because of the lack of coordination with the Mibact, despite a nonbinding agreement. In 2014 the change in the national political scenario erased the 2009 Plan (that had only been implemented in 2013), making the matter even more complicated.

The 2006 plan, enhanced in 2014 with the updated Mosaic of the cultural and territorial assets, became effective once again when the regional government, with resolution No. 39/1 of October 10th 2014, overruled the D.G.R. n.45/2 of October 25th 2013 concerning the preliminary approval of the Landscape Plan. The measure followed D.G.R. No. 10/20 of March 28th 2014 that set aside resolution No. 6/18 of February 14th 2014 which had in turn ratified the review of the Sardinian Plan.

3. The cultural framework of the Sardinian Regional Landscape Plan: the crucial issue of Sardinian Identity

The Sardinian Regional Landscape Plan, the first to be approved among all the Italian regions, is founded on the theme of Sardinian identity, the complex of criteria that shapes the safeguard and the possible re-adaptation of the landscape. The idea of Identity, a polysemous word used by the European Landscape Convention (ELC)⁴ must be interpreted as a relational structure, as a field strength where the tensions between naturalistic and human factors confront each other yielding an unstable and temporary balance that sometimes may endure the hardships of time. The concept of identity is not a static one, does not merely point to the past, and is not a synonym of tradition: identity is continuously shaped by the confrontation with the current times; it combines preservation with innovation, safeguard with restoration and care of the territory. From this standpoint, the aesthetic standard, particularly relevant in Italy, and the ecologic-scientific standard leads to a comprehensive view of the *Landscape as a hive for the Communities* (ref 2)⁵, carved according to the history and the culture of the local communities that inhabit the territories, altering them through the ages, sculpting their features in them, seeing themselves in them.

We read in the Sardinian Regional Landscape Plan guidelines approved by the Regional Government: *“the Landscape is the defining feature of the culture of a community, it deeply denotes its identity and at the same time is*

denoted by that [...] if the landscape is both the product and the producer of the Identity, this is particularly evident in Sardinia”. The Landscape can represent, and it definitely does in Sardinia, the Island identity with such intensity that blends with the foundation and the main component of the very cultural identity of the local communities. However, we need to appreciate how the change in the usage of the territory over the last 25 years has caused a transformation of the Sardinian Landscape that is peculiarly different from the one that occurred before that and having lasted for centuries had affected the island's appearance so profoundly. Among the factors that brought about a substantial change in the relationship between the communities and their territories and irreversibly altered the distinctiveness of the land, we have to consider the utilization of the coastal borders for tourism, the decrease in competitiveness of agriculture and sheep farming which led to the abandoning of the inner lands, the expansion of the urban areas and the desertion of the small villages (Magnaghi, 1998). These factors defaced the peculiarity of the land, the memory of the past, the sense of direction and of self-recognition of the people (Norberg-Schulz 1996). The Landscape planning, along with the political management of the territory and its sustainable development has to start from a careful analysis of the shared identity that must always be protected, enriched and constantly re-examined⁶. Planning means finding the signs of the past in the land, and recognizing the milestones that define the territory and allow one to be oriented; it means re-discovering the identity traits that the people during history have not consciously changed but rather piled up in the diachronic sedimentation process of their living space. If the basic standpoint of the European Convention includes both the exceptional landscapes and the ordinary ones therefore considering them as heritage from which to fish out the Identity fuel, we must seek “ways the processes of identification and belonging transform the everyday life environment into shared patrimony” (Clementi, 2002). How then can we recognize the locations, the specificities, the prominent traits that are really the expression of that cultural identity the

⁴ ELC (2000), General criteria art. 5: “to legally identify the landscape as an essential component of the context the populations live in, as an expression of the diversity of their common cultural and natural heritage and as a foundation of their identity”.

⁵ The definition is included in the volume by Bonesio, 2007, which considers the common Landscape as the result of a complex interaction of factors. The Author, in particular, focuses on: the theme of the recollection and the inventory of the locations (Norberg-Schulz, 1989), the cultural identity of the territory (Cervellati, 2000), the structural invariants, cornerstones of the identity of the territory that last in the long term (Magnaghi, 2000).

⁶ As we can read in the guidelines of the SRLP.

communities still value as significant, aesthetically sound and therefore worthwhile being rescued and passed on to the next generation?

4. The features of the Identity: the old town centers and the discovery of the matrix centers

One of the most important elements concerning the topic of the landscape and the definition of identity, involves the determination of the town centers of ancient foundation which are clearly essential for the proposition of the detailed plans. In the guidelines for the adaptation of the municipal urban plans to the SRLP, we read: “We consider Old town centers the urban built up areas that maintain, in the planning and building techniques, the signs of ancient origin and of their own authentic residential, economic, social, political and cultural functions. In the SRLP these areas are approximately defined by the historic map collection of the 1890 IGM”⁷ (Figure 2).

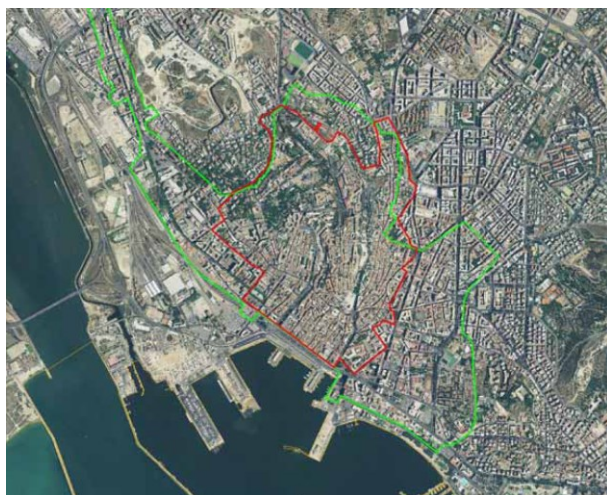


Figure 2. The matrix center of Cagliari.
Source: Elaboration on Autonomous Region of Sardinia website.

Two aspects appear misleading: the first is that the old town centers need to be recognized on the basis of an alleged ancient foundation; the second is that the centers need to be identified,

even though approximately, based on the 1890 IGM. The attempt to define an historic urban settlement via the identification of the ancient elements that it contains (for instance the building erected before the fifties, as stated by law 1089/39, or the buildings presenting those identity features the local communities are able to pinpoint) appears at least inefficient to determine the concept of the *matrix center* that the writer of the SRLP presents almost at the same time. It is not clear what the writer of the SRLP means by *matrix center*. This term cannot be found in the ancient city planning discipline documents⁸; rather these texts mention a primordial nucleus that can be defined as a preexistent and permanent physical *shape*⁹ that has also a symbolic value and coincides with the foundation pole¹⁰ of a certain territory. It is the city of classic foundation that, even in Sardinia, played an important role at the source of the urban settlements (to be distinguished from settlements that do not show urban features) and acquires a meaning which goes beyond the mere distribution of functions. This opinion is now shared by the majority of the scholars of ancient urban planning, historic topography and history of the city and makes it possible to better clarify the issue of the ancient city that otherwise would be left to the disarray of the most diverse theories. This is particularly true because the definition of matrix center needs to be immediately associated to a body of strongly binding, qualitative and quantitative rules of preservations, safeguard and tutelage of the

⁸ Cfr. it is useful at this point the citation of the *pivotal* texts concerning the ancient city planning discipline, the works of Lavedan's, Glotz' or more simply of Liverani's regarding the first urban nuclei *ante* Greek world, or the immense work of Poete.

⁹ *Shape* here means drawing, representation.

¹⁰ Argan and Fagiolo, 1972, p. 733 underline the cardinal principle of the identification of the ancient city by the contemporary scholars: “...the monument is the most evident of the meaningful structures, the one which sets the tone to the whole *forma urbis*, [...] it is an architectural or a plastic shape that dictates the scope of the urban space, expresses with its stability the everlasting principles or institutions and affirms its historicity with the fact that it survives the hardships of time, it matters today, it mattered yesterday and will matter tomorrow. valid tomorrow [...]”.

⁷ Survey Mapping Agency of Italy.

entire historic fabric of the city.

In this scenario, the prompt of a more careful evaluation of the concept of old town center becomes more urgent and not specious, even inevitable, especially when it must be related to the larger horizon of the natural landscape, therefore overcoming its own boundaries¹¹. The study of such combination of spaces evokes the discipline of the so called *visual points*, which should be regarded in the most impartial and serene way especially given the restrictions they are exposed to.

5. The Identity assets. How can we define them?

Starting from the cultural background that is anchored to the concept of identity, the SRLP introduced a new method of research that seems particularly significant. The way the Plan chose to present and discuss the *historic cultural landscape* theme is an excellent opportunity to make the case of its featuring elements, the so called *identity assets*.

We read in the SRLP: “we consider an identity asset the category of a building, a location and/or an intangible value that fosters the sense of belonging of the local communities to the specificity of the Sardinian culture”. Moreover, Regional Law No. 8 of 11.25.2004, at title II, art. 9 – Discipline of the identity assets – reads: “the identity assets [...] are categories of assets directly pinpointed by the SRLP or by the municipalities and to be conformed to the urban planning tools projections”; and goes on to the art. 6: “*The Regional government or the municipalities have the task to set the boundaries of the identity assets to facilitate the acknowledgment of their historic and cultural specificity [...] these boundaries should prevent any kind of manipulation of the identity assets [...]*”.

The types of identity assets acknowledged by the SRLP are the following:

- buildings and areas protected in accordance to the art. 9 N.T.A.¹²;
- areas characterized by the presence of constructions and artifacts of historic-cultural value (historic-cultural elements spanning from pre-history to the contemporary era, including iconic or non-iconic representations of religious, political, military nature; industrial archeology and mines; historic architecture and manufacturing areas; specialized architecture of historic and civil significance);
- networks and other connective elements (historic infrastructural network; wefts and artifacts of the agro-pastoral historic and cultural landscape);
- manufacturing areas of historic-cultural interest (areas characterized by a strong sense of identity due to the fact that they have been venues for historically important manufacturing processes).

It is important to emphasize that the Code of the cultural and territorial assets put both cultural and landscape assets in the same category. Nevertheless, this categorization is strongly limited by the unavailability of objective criteria used to define it. The identity assets are not clearly recognizable other than through the listing of categories and typologies of artifacts found in the territory. As a consequence, the determination of the restrictions the study of the territory refers to could turn out to be incorrect due to a clear methodological *defect* in the form and substance¹³, since, as we said, it anchors the collective action to value judgements not previously codified and shared.

To introduce and preserve a new category of identity assets that for all intents and purposes belongs to the notion of cultural assets and therefore of identity assets, we should be able to elaborate a range of objective criteria/values, really not negotiable¹⁴, upon which to make

¹¹ Cfr. Argan and Fagiolo, 1972, p. 778 ss.

¹² Cfr. Technical rules for the implementation of the SRLP.

¹³ The reference concerns the whole SRLP dissertation about the cultural assets as *not negotiable* components of the territory and of the landscape.

¹⁴ We borrowed the concept of *negotiable criteria* from Schiavone (2007, p. 90), where the Author describes “not negotiable values, that are considered

politically shared decisions and manage the governance of the territory. We have to consider also the identification of alleged identity values in the territorial artifacts and the so called *spontaneous* identity customs that can be found locally¹⁵.

These concepts are at the very foundation of the notion of identity and allow us to shape the shared features of the different communities in a *super-individual* quest that still manages to express the will of the *collective* thought. In this scenario we need to frame the classical anthropologic studies from Bateson to Mauss¹⁶, mostly intended to identify the shared traits of the social habits in human population.

As Cassano (2001) states, we have to be wondering about what is happening to the *common goods*¹⁷, whichever the legitimation process they underwent to may be, and above all whether or not the *planning of the future welfare* (which at the end of the day should be the main focus of the landscape planning) is compatible with the utilization of the intrinsic richness of the territory or rather entails a loss of pertinence due to the extremisms of some environmental policies.

We therefore need to clarify what the RPP means with *identity asset*, since the Code of the cultural and territorial assets only mentions the typologies of the assets.

How the so called identity assets are included in the general category of the (common) assets classified by the Code will likely be controversial, as it affects the future preservation and restrictions to be tangibly applied to the immanent peculiarities of the territory-landscape.

This issue stems from the delay between the elaboration of a proposal of restrictions and the application (extension) of the same restrictions by the Government, the Sardinian Government in this case, which represents the last useful intervention in terms of tutelage of the assets themselves.

The temporal deferral of the implementation of the restrictions is an objective risk for the assets and the territory, because it elicits the expansion of the planning phase and causes discrepancies among the expectations of the Plan, the actual opportunities of the territorial development, and the impossibility to make programmed and competitive choices at a European level.

Thus the definition of identity resource is a very critical topic of discussion concerning the Sardinian SRLP. It has been launched to safeguard those Sardinian identity assets that are identified as such and to lead to their unconditional legal protection.

6. What is the value of the Identity asset?

In the SRLP, the *identity asset* can be assimilated to the concept of cultural asset and represents a new motif of the territorial section that is associated with bases on its uniqueness and its assigned value. The Plan does not clearly explain how it came up with this attribution of value though, and while it creates the need to pinpoint objective parameters particularly pertinent and relevant, it also entails the risk of causing an excessive containment of an immaterial good. Nevertheless it is worthwhile discussing the concept of identity asset and its so called identity *matrix* particularly because they can be a tool for useful future considerations. One of the principles the cultural asset is based on is its public utility, interpreted as historic and cultural relevance of public pertinence, regardless of its legal status. This concept involves the discipline of jurisprudence because it implies the notion of *legatum at patriam*, namely the legal principle according to which everything located in a public place falls within the *conditio* of *res populi romani*.

This means that a public good is such when it has a public utility¹⁸.

absolute not because transcendent or eternal, but because, in a given scenario, they are unavailable for change by subjective, individual or collective action".

¹⁵ See Tiragallo, 2007, pp. 152 ss.

¹⁶ See De Biasi and Bateson, 2007, pp. 15-36.

¹⁷ See Cassano, 2001, pp. 54-57.

¹⁸ Cfr. Barbati, Cammelli and Sciuillo (2003, p. 21) on the notion of public cultural good: "the cultural good is therefore public not in the degree that it necessarily belongs to everybody but... because the community require, needs its cultural meaning".

Initially it is the public utility that establishes the asset in the institutions and the customs memory¹⁹ therefore becoming first individual memory, then collective memory and finally historic memory. The *memory* plays a fundamental role in the transformation of the landscape into a human artifact (*territorializzazione*), because it has the power to safeguard the unchanging values of a venue even when that is transformed by later models of civilization²⁰.

The long lasting cognitive and material settlements are the basis for the definition of the concept of structural invariance (Magnaghi, 2001). The invariances must be retraced into operational forms, saved (*cum-serbare*, keep beside oneself) and protected (*curatio*, take care), not turned into a museum (*museum*, place dedicated to the Muses), but rather transformed into new economic opportunities. In order to accomplish this plan it is necessary to build a range of values that in turn can be used to apply the necessary restrictions that regulate the usage of the territory. However the methodology adopted by the SRLP for the acknowledgment of the identity assets does not allow the drawing of a series of unchanging values perceived as such by the local populations. It is not quite clear which values the communities have to acknowledge and rely upon and not leave to the arbitrary or subjective discernment of the individual.

Thus the identity asset plays an *uncomfortable* role with respect to the other assets: its meaning lies in that supposed “sense of belonging” to the local community that is impossible to define or measure, but, by virtue of its own uncertainty, can prevent a correct definition and generate bogus preservation rules. It is impossible to define the structure of an identity asset, because it is hard to decipher the perception of the sense of belonging. This is a mental representation consisting in a mixture of sensitivity and memory and not necessarily attributable to a purely physical or intellectual category. However to secure an identity asset it is still necessary to identify it with certainty and to describe its qualifications. Every other

evaluation turns out to be ideologically motivated and deceptive.

We could then equate the identity assets to the monumental and territorial assets, thereby granting them the same criteria of measurement used for the monumental, historic-cultural and landscape assets.

The new definition of identity landscape and identity historic cultural assets would allow a better balance among the assets to protect, without falling into likely and subjective manipulations that interfere with an opportune and shared attribution of value. The N.T.A. sharply defines the typologies of the identity assets by listing a specific series of objects that are however already protected in the category of the historic-monumental and landscape assets. It is not clear why it was deemed necessary to extend additional restrictions to artifacts that by definition were already granted *in toto* or partial tutelage.

Another criticism could be directed to the section of the SRLP that establishes an excessive number of restrictions on an excessive number of identity assets identified on the basis of supposed common Sardinian typologies. It seems contradictory to associate the meaning of the identity asset that cannot be separated from its territorial context to a sort of “automatic” and generalist approach the law is using for so many artifacts, which should be intrinsically able to evoke a sense of identity and belonging for the settled populations. This perspective is questionable also because it leads to a standardization of the contributions the ancient cultures gave to the regional territory, a sort of homologation of the cultural landscape of Sardinia whose preservation is wholly entrusted to the category of the identity asset. This approach crushes the freedom the communities should have to re-interpret these categories and re-adapt them to their current cultural profile.

On the contrary we should give our regulations a more competitive potential: from creating passive restrictions for the identity goods to offering them a positive, affirmative meaning in the broader context of a dialogue among safeguard, promotion and administration of the territory. To this aim the Landscape and Cultural Heritage Code (42/2004) and the SRLP of

¹⁹ As observed by Vernant, 2005.

²⁰ About the “foundation” of territorial identity see Magnaghi, 2001, pp. 17-27.

Sardinia introduced the tool of the project for the Landscape: the project drew a new scenario where the identity good regains possession of its real meaning, namely of an entity the community highly values and enjoys and at the same time considers susceptible to transformation and an opportunity for economic growth.

7. The value of the rule in the safeguard of the territory

What we have presented so far is a clearly controversial series of issues that is nevertheless useful to analyze in the attempt to clarify the community/territory relationship and to lead us to the unsettling conclusion that the crisis of the landscape is, in part, also a crisis of the rules that should guarantee the landscape itself. It would be naïve if we did not wonder about what we mean exactly by the planning of the landscape and by the specific actions and measure to undertake to manage it. These issues are complex and sometimes obscure even to the legislator or the scholar of urban planning. The most important unclear subjects are:

- the adaptation of the urban planning to the regional landscape planning;
- the criteria the lobbies of interests need to agree upon to manage specific objectives of landscape planning;
- the clarity of the regulations to adopt to interpret the territorial invariances and the territorial identities.

This uncertainty brings about the inefficiency of the local plans because it freezes the actions of all the players involved. The example of the SRLP demonstrates that, in the absence of clear rules, having a structured picture of the territorial assets does not necessarily protect the landscape and the historic common goods. After all, the Plan itself emphasizes the importance of the clarity of the law to raise the level of tutelage of the assets²¹.

²¹ The Plan outlines (Version 2009), 1, 2, 4. Simplicity and clarity increase the level of protection, pp. 12-13.

8. Unpopular conclusions

We think that the content of the SRLP as pertaining to the meaning and the importance of the landscape identity goods needs to be properly revised with the final goal of the assimilation of the identity asset to the cultural asset and to the landscape itself. However we are convinced that the safeguard of the common goods cannot be focused on individual or collective interests that disregard codified criteria and models that the scientific community agrees upon and transmits to the local community.

This last passage is a very heterogeneous one depending on how through history the concept of identity is conveyed. Therefore the attribution of the meaning must necessarily include the representation of the identity of the land in its recognizable physical shapes such as artifacts, but also scenarios with all their complexity. This representation can be achieved just by applying the already existing rules without inflating the complex regulations of realization listed in the RLP. In essence we wish for a direct referral to the Landscape and Cultural Heritage Code and to the idealistic classification of the assets²², given an obvious problem of scientific definitions that cannot be reduced to a mere appropriation rule.

If we accept that the landscape planning also includes the urban planning, particularly when it comes to the realization of the plan (Urbani and Civitarese, 2010; Cabiddu, 2010, p. 266), it seems undeniable that the previously mentioned method weakens the concept of property, territory, identity and it makes harder to second the idea of public interest that in turn bolsters the power to impose restrictions. The concept of public interest is in fact pivotal in the discussion on nature and the goals of the urban planning discipline, particularly when it comes to the re-definition of its contents²³.

Despite all the revisions of the Landscape and Cultural Heritage Code (2008, 2010, 2014), the fact that “the predictions of the landscape

²² The reference is to the work of Croce.

²³ Regarding this theme very interesting Campbell and Marshall, 2006, and also Minervini, 2008, p. 166.

planning are binding for the municipalities and in any case override the pre-existing current rules when they are at odds did not change²⁴, thereby posing a legal conformity obligation for the municipalities, the provinces and the institutions in charge of the safeguarded areas, with the purpose of adapting the tools of the urban planning to the anticipations of the landscape planning”.

Thus, if on the one hand the relationship among all the many urban managing tools seems clearer, on the other it is not clear how the local institutions will have to conform their regulations to the directives of the regional government. Words such as the statute of the locations or the territorial invariances are doomed to be ignored, although present in the description of the Plan. The issue of the rules, regulations and directives aimed to establish behavioral codes for all the key players interacting in the land and crucial to save or alter the landscape, is a very sensitive one and has become a platform of confrontation among different experiences and professional expertise. Nevertheless, the necessity and the convenience for all the interlocutors involved to find a common denominator and avoid conflicts stemming from the often contradictory rules, are evident and obvious. To this aim it could be useful to remember that the Norm and the Rule philosophically overlap, whereas the real difference can be drawn only between *Directive* and *Norm*. The former is the proposition literally containing the order, the rule; the latter (the Norm) is the result of the interpretation of the rule, a hermeneutical act. From an ambiguously written rule many different and sometimes contradictory norms can be paradoxically drawn. In our case of the landscape-theme we are frustrated to discover that the rules sometimes fill the gaps of the State legislations, where the fundamental principles for the promotion of the landscape goods are not yet solidified.

The net result is that our territory is split in half: on the one hand we have the landscape assets, regulated according to an obsolete legislation that is not leading towards a sustainable advancement of the territory, and on

the other the whole remaining territory, left to the creativity of the Regional government²⁵. Indeed the regional definitions confirm that the landscape can only be developed if it is protected at the same time. This means that any development plan presumes a safeguard plan which includes the recognition of the asset to be protected. Moreover, besides the recognition we have to dictate the possible usage of the land, what is restricted and what is allowed. Nevertheless, in the areas that do not belong to the category of the landscape goods, the constraining power of the local administrations is naturally more limited because the urban planning discipline they are subject to needs to be updated with a renewed energy but especially with the study and the approval of a new state law more suitable for the government of the territory.

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²⁴ Cfr. Landscape and Cultural Heritage Code, art. 143-145.

²⁵ See the sharp comments by Casini, 2014, p. 393.

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