



Land use, energy retraining and new instruments of negotiation in Italy: The case of Trieste

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ABSTRACT

The paper discusses the Transfer of Development Rights (TDR) not only as a planning instrument related to land use and development purposes, but also as an instrument of energy policy related to building energy retraining, as it has been developed in the frame of the new Piano Regolatore Generale Comunale (Municipality Land Use Plan) of Trieste, a city in the North-East of Italy.

In this case study TDR is developed as a hybrid instrument, aimed at regulating, motivating and negotiating at the same time. Its working strategy can be considered as an anomalous distributive policy which shares costs and benefits among the actors involved in the instrument implementation through a market-led mechanism, producing several possible types of outcomes. One of the main issues is that the capability of the instrument to self-regulate itself during the implementation phase seems to be very hard to achieve. As a consequence, the role of public authorities in the implementation phase remains an open issue.

1. Introduction

The aim of this paper is to discuss the Transfer of Development Rights (TDR) not only as a policy instrument related to land use and development purposes, but also as an instrument of energy policy. The association of these two features defines the originality of the instrument as it has been designed in the case of Trieste, according to the international framework of TDR programs implementation.

TDR is not peculiar to the Italian situation. In the US, according to Pruetz and Standridge (2009, p. 78) «transfer of development rights (TDR) is intended to reduce or eliminate development potential in places that should be preserved by increasing development potential in places where growth is wanted». From this point of view, TDR is a compensatory instrument – rather than an incentive and rewarding one, as in the case of Trieste – aimed to protect farmland and other natural and/or cultural resources and, at the same time, recognizing the right to build to land owners, transferring the development to other areas. A wide review of TDR implementation in the US can be found in Wall and McConnell (2007), Kaplowitz et al. (2008), Pruetz and Standridge (2009).

The paper will analyze TDR as a rewarding measure related to building energy retraining by considering it as a disposal (Lascoumes and Le Galès, 2009). In Trieste, a medium-sized city in the North East of Italy, TDR has been developed with this approach as a planning

instrument inside the frame of the new Piano Regolatore Generale Comunale,¹ with the aim to foster private initiatives oriented to the diminishing of CO₂ through a mix of policy-led and market-based mechanisms. The real estate owners who renovate their buildings in the sending areas receive a share of potential Development Rights (DR) which can be used for building interventions in other parts of the city. This mechanism allows for exchanging these rights and consequently enables real estate owners partly recover renovation costs. This is why in the case of Trieste the value of DRs is not fixed once and for all, but is defined by the free market through a series of negotiations among different actors.

Unlikely most experiences in the US (Wall and McConnell, 2007; Kaplowitz, Machemer and Pruetz, 2008; Pruetz and Standridge, 2009) and in Italy (Micelli, 2002; Camagni et al., 2014), in the case of Trieste TDR is a hybrid instrument, aimed at simultaneously regulating, motivating and negotiating. Its working strategy can be considered as an anomalous distributive policy which does not concern directly «the division of budget resources²» (Ferrera, 1996, p. 299) but distributes costs and benefits among the actors involved in the instrument implementation, producing several types of outcomes. We will see later that one of the main issues is the uncertainty of the instrument's self-regulating capability.

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¹ Literally General Regulatory Municipal Plan. It is the Municipality Land Use Plan in the Friuli Venezia Giulia urban planning system.

² My translation.



Fig. 1. Map of Friuli Venezia Giulia Region.

2. Background, data and method

2.1. Geographical and normative background

Trieste is the capital of the Friuli Venezia Giulia Region, in the North-East of Italy (Fig. 1). The Region counts around 1.2 mln inhabitants (2016) on a territory of 7800 km², while Trieste has 204,000 inhabitants (2016) on a Municipal territory of 85 km². The urban structure of the Region is characterized by the predominance of five main towns (Trieste, Udine, Pordenone, Gorizia, Monfalcone) and several small centers, mostly located in the Friuli flatland. This area features the main transportation infrastructures but has not been characterized by the same process of urban sprawl which has affected the nearby Pianura Veneta (Indovina, 1990; Fregolent, 2005). The estimates of soil consumption given by ISPRA (2016)³ prove this point. In the Veneto Region the percentage of soil consumption has grown from 3 to 4.8% in the '50s to 5–7.1% in the '80s reaching 8.7–11.3% in 2015. In contrast, in the same time frame the percentage of soil consumption in the Friuli Venezia Giulia Region has grown from 2.2 to 3.8% to 4.4 to 6.3% and 5.8–8%. According to these data, the expansion of the urbanized areas in Friuli Venezia Giulia (8.8%) lies in between the main Italian Northern Regions (Veneto, 12.2%; Lombardy, 12.8%; Emilia Romagna, 9.6%) and the main Italian Central Regions (Tuscany, 7%; Marche, 7%; Lazio, 8.2%).

The Friuli Venezia Giulia Region has quite a traditional urban planning law that does not explicitly envisage new approaches to the public-private relationship in the urban development, such as the TDR instrument in the Italian context. As we will see in our case study, the 'decision not to decide' (Bachrach and Baratz, 1970) taken by the Region has affected the policy-making process, creating uncertainty around the legal legitimation of the new instrument as well as implicitly allowing for the possibility of deeply innovating at the lower administrative levels.

This case study is set in the peculiar Italian urban planning cultural and normative context, historically characterized by the strong role of zoning and urban codes. After the '80s, however, new critical

³ Superior Institute for Environmental Protection and Research is a public research entity.

observations fostered the rise of innovative planning practices, shifting from regulative issues to boosting and rewarding approaches, and shaping new forms of relationships between public authority and private actors. In this scenario, European urban policies play an important role in the transformation of the Italian urban planning framework. Thanks also to the devolution of urban planning policy competences to the Regions, Italy has twenty one different urban planning laws,⁴ contemplating different plan structures and even different urban planning instrument taxonomies.⁵

2.2. Conceptual background

According to Lascoumes and Le Galès (2009, pp. 1–2) a policy⁶ instrument is «the set of problems put in place by the choice and the use of the instruments (of the techniques, of the operational means, of the disposals) which allow to materialize and implement the governing action⁷». This definition simultaneously comprehends the reasons that lead to the choice of a definite instrument (or set of instruments) and the effects derived from the use of that instrument, starting from what is known as policy-making phase. Instruments are thus problematic processes, especially if we consider not only the compliance with the goals which they are supposed to reach but also their unexpected effects. Focusing on the relationships among actors in a given territorial context, instruments have a crucial role because they constitute, even when they do not reach the disclosed goals, «a technical as well as social disposal which organizes specific social relationships between the public power and their subjects, according to the representations and the meanings it bears⁸» (Lascoumes and Le Galès, 2009, p. 3).

According to Pruetz and Standridge (2009), «strict zoning predates TDR in some communities, but many have permissive zoning and find it necessary to downzone the sending area when they adopt a TDR

⁴ Those of the nineteen Regions and the two Autonomous Provinces of Trento and Bolzano.

⁵ For further information about the Italian planning cultures, see Vettoretto (2009); a wide debate on the nature of some of those new instruments can be found in "Scienze Regionali", vol. 13, n. 2/2014.

⁶ In the text, «instrumentation of public action» (Lascoumes and Le Galès, 2009).

⁷ My translation.

⁸ My translation.

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