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Conference Paper

STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE ADJUSTMENT PROCESS OF THE CITY MASTERPLAN TO THE SARDINIAN REGIONAL LANDSCAPE PLAN: THE CASE OF CITY MASTERPLAN OF ALGHERO, SARDINIA (ITALY)

51st Congress of the European Regional Science Association: "New Challenges for European Regions and Urban Areas in a Globalised World", 30 August - 3 September 2011, Barcelona, Spain

Provided in Cooperation with:

European Regional Science Association (ERSA)

Suggested Citation: Isola, Federica; Pira, Cheti (2011) : STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE ADJUSTMENT PROCESS OF THE CITY MASTERPLAN TO THE SARDINIAN REGIONAL LANDSCAPE PLAN: THE CASE OF CITY MASTERPLAN OF ALGHERO, SARDINIA (ITALY), 51st Congress of the European Regional Science Association: "New Challenges for European Regions and Urban Areas in a Globalised World", 30 August - 3 September 2011, Barcelona, Spain, European Regional Science Association (ERSA), Louvain-la-Neuve

This Version is available at:

<http://hdl.handle.net/10419/120128>

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STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE ADJUSTMENT PROCESS OF THE CITY MASTERPLAN TO THE SARDINIAN REGIONAL LANDSCAPE PLAN: THE CASE OF CITY MASTERPLAN OF ALGHERO, SARDINIA (ITALY)

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ABSTRACT

Strategic Environmental Assessment (SEA) in the context of the enactment of the Directive 2001/42/CE is at the core of the adjustment process of provincial and city Masterplan to the Sardinian Regional Landscape Plan (RLP).

SEA is a fundamental instrument for the environmental integration during the elaboration and adoption of plans; SEA offers an opportunity to bring about a real change of attitude and culture at strategic levels into strategic decision-making process.

In this context, this paper adopted a critical observation relating to the Sardinian landscape planning, in particular through the analysis of the adjustment process of city Masterplan of Alghero to the Sardinian RLP. The critical aspects which emerged in the adjustment phases are to be considered in a scenario which is common among those territorial and normative contexts to which the Directive should be applied. In particular the situation which is represented in the case study intends to highlight the urgent need for a Sardinian planning legislation reform. This would positively influence the final evaluation of the effects of the plan on the landscape; in particular, this would make up for the flaws in the outdated traditional approaches, based on the dualism between urban and landscape development planning. This would also unify the phases of management of territory, thus mitigating the contrasts inherent in the enactment process, currently under way.

Keywords: Territorial Planning, Urban Planning, Strategic Environmental Assessment (SEA)

1. INTRODUCTION¹

The evaluation process is strategically relevant when applying the principles of environmental sustainability to urban and territorial planning. In particular, Strategic Environmental Assessment (SEA), according to the Directive 2001/42/CE (henceforth Directive) provides the most adequate opportunity to integrate different regional planning methods. The attempt to find a method which can coherently integrate policies, plans and programmes represents in itself a scientific, cultural and political achievement, although in many situations this is still at an embryonic phase, often characterised of technical and political inertia. In this context, this paper adopted a critical observation beginning from the Sardinian landscape planning, in particular through the analysis of the adjustment process of provincial and city Masterplan to the Sardinian Regional Landscape Plan (RLP).

2. THEORETICAL BASIS OF THE DIRECTIVE

The Sardinian case study contains some interesting aspects of planning and evaluation processes currently under way, which could be exported and developed further (Zoppi, 2009). However, it does suffer from several inconsistencies which are highlighted by the Directive. A few examples follow.

The first one concerns the inclusion of development policies in the decision-making processes during the programming and planning phases at Regional level. In respect to the implementation of the Directive and Regional territory-development laws, there are some critical points that do not always comply with EU *ratios*.

The original flaw which is common among the different planning methods could be blamed on the fact that the SEA is not interpreted as a framework within government decision making, as foreseen by the Legislative Decree 16 January 2009, n. 4². This generates a type of dualism, which can be found in the planning/assessing processes and the relations between the SEA proceeding authority and the SEA competent authority; these can at times become conflicting in terms of hierarchy. From this point of view, a good example is the relation between Provinces and City Councils in the SEA process of the adjustment phase to the RLP, as well as the marginal role played by the regional administration in the process under way.

¹ This work is supported by the operating program of Regione Autonoma della Sardegna (European Social Fund 2007-2013), L.R.7/2007, "Promotion of scientific research and technological innovation in Sardinia".

² All plans and programs that can have significant effects on the environment and in particular those belonging to specific sectors, including that of land-use planning or land use shall be subject to SEA (Art. 6 Legislative Decree 2006/152, as amended by Legislative Decree n. 2008/4).

One of the aspects which have come to surface in the various case studies is the extreme difficulty to integrate the SEA with the planning and programming procedures, especially in the city Masterplan of local level (Art. 1 of the Directive); the SEA *“is currently too fragmented and often completely disconnected from planning processes, whence it should in fact find resources, as well as becoming a medium for bureaucratic simplification”* (INU, 2009). Furthermore, the Directive is clear about the necessity that the planning and the evaluation processes follow on in a parallel and integrated manner. In article 4, it specifies that *“the environmental assessment should be carried out during the preparatory phase of the plan/programme, before its adoption”*. Therefore the EU regulation promotes the SEA as a fundamental instrument for the environmental integration during the elaboration and adoption of plans, since it guarantees that the effects of the enactment of those plans are examined during their preparation and thus before they are adopted.

A further aspect to be considered regards the local communities' participation in the SEA process. National regulation defines such phase in a formal and abstract way and it does not foresee any type of publicity during the preparatory stage of the plan, but only after its adoption. In this procedure, the role played by local communities is still very marginal.

Also this second aspect, described above, does not comply with the Directive, which in fact reaffirms the necessity to provide assessments of plans and programmes, so as to guarantee a more efficient management of environmental issues and use of resources (art. 3 of the Directive). This situation, apart from the obvious consequences in terms of popular consensus, has meant that in the standard procedure there is a total lack of inclusivity practices, which in fact represent the methodological basis of the SEA.

There is also another reason which leads us to the third relevant aspect of the Directive: the inclusion of a wider set of factors in decision making and a comparison between alternative plans (art. 5 and 9 of the Directive) are often regarded as marginal issues in the context of the standard methods of urban planning at a local level. The other phase which is often missing is the monitoring of the effects caused by the plan (art. 10 of the Directive).

Furthermore, the assessment methods have the tendency to partially or totally exclude territorial specificities and the actual capacity of the territory to tolerate the installation of new functions: sustainability assessments are normally carried out by setting up comparative matrices in which the actions and goals of a plan are compared with generic sustainability goals, based on current regulations. The territory itself is not adequately taken into account. Overall, the city and provincial administrations have encountered a number of difficulties

whilst applying the procedures outlined in the Legislative Decree 2008/4 and in the SEA (INU).

3. THE SEA OF THE ADJUSTMENT OF CITY MASTERPLAN TO THE RLP.

Sardinia was the first Italian region to adopt an RLP (Regional Government Decree n. 36/7 of 2006) especially intended to preserve its coastline, according to the Legislative Decrees 22 January 2004, n. 42 (*Code of Culture Heritage and Landscape*), amended in subsequent modifications and integrations.

The RLP has the ambition to conciliate territorial planning with territorial and sectorial governing instruments, as well as with plans, programmes and national and regional projects for economic development (art. 145, *Code of Culture Heritage and Landscape*).

However, it was difficult for the Plan to conciliate the normative aspects, defined by the Technical Rules of Implementation (TRI), with the Sardinian development and economic growth models, thus expressing criticism in regards to two aspects. The first one is the participatory process which led to the regulatory framework of the plan. The second criticism which is also the central topic of this paper refers to the current state of the enactment of the Plan, and more specifically, it concerns the procedures with which the 102 City councils belonging to the twenty-seven *Coastline zones* (as regulated by the TRI, art. 107) adjust their City Master Plans to the RLP. The SEA procedure is an essential requirement for the adjustment of the City Master Plans. In this respect, the Legislative Decree 4/2008, art. 11, paragraph 5, says that “*the administrative measures of approval, adopted without a prior SEA, can be annulled because in violation of law*”.

To date, only a small percentage of the City Councils have completed the adjustment procedure. The plan is currently being re-examined in order to meet the need of a common model which can match development and recognition of the value of the landscape.

However, due to its longevity, the current urban planning framework does not foresee a SEA for urban planning, whilst essentially describing procedures for approval and adoption of plans, which lack the instruments needed to guarantee participation of the local communities.

In order to carry out legislative, regulatory and administrative initiatives, necessary to be in accordance with the Directive, the Regional Government approved a Regional Decree 24/23 of 23 April 2008, which currently represents the principle reference for those provinces and City Councils engaged in SEA processes. So as to help and regulate urban planning processes, the *Assessorato Regionale Difesa dell’Ambiente (Regional Department for Environmental Protection)*, in cooperation with the *Assessorato Regionale Enti Locali, Finanze e*

Urbanistica (Regional Department for Local Entities, Finance and Urban Planning), set up specific Guidelines Manual (Regione Autonoma della Sardegna, 2010) for the SEA of City Master Plans of the adjustment of the RLP.

These guidelines They were devised as instruments to support local administrations which are in the process of adjusting their own city Masterplans to the RLP. The guidelines take into account the critical aspects of the adjustment of the RLP, according to the directions provided by the urban competent administration within the framework of the approval procedure of city Masterplans, as by Regional Law n. 1989/45.

The guidelines to incorporate the national legislation and to integrate the processes of the adjustment of city Masterplans with the SEA process. They look into the different phases of the process (preparation, guidance, elaboration and editing, adoption of the plan, information, consultation, examination and assessment, approval of the plan, consistency check, publication of the decision, enactment and management) and give directions as to how to draw up a scoping document (final report of the guidance phase) and the Environmental Report.

4. THE CASE STUDY: THE SEA OF THE CITY MASTERPLAN OF CITY OF ALGHERO, SARDINIA (ITALY)

The city of Alghero, located on the northwest coast of Sardinia, is a major city region of Sardinia, It is also one of the gateways to the island for the presence to the important international airport of Fertilia. In the municipality there are important several areas under protection and places of historical and archaeological interest.

The current draft of the city Masterplan is the result of a long planning process began in 1995. The most important steps in the development of the city Masterplan are the approval of the plan addresses design (2006), the presentation of the preliminary draft of the city Masterplan, the early stages of consultation and participation (2008), and the presentation of the final draft of the technical project and the activation of the SEA process (2009).

The draft of the plan is based on the vision of the sustainable development of the municipal area and on the exploitation of precious natural resources, history and culture of the city.

In particular, it possible identify in the systems landscape (urban scape, natural landscape, rural landscape and the landscape of infrastructure) the strategic elements for the future of the city. In terms of the systems landscape defining a set of themes (urban edge, empty urban, urban and regional parks, infrastructure and public services, tourism system, regeneration of the rural areas) which represent the tracks of the construction of the plan.

The case of the city of Alghero is particularly interesting because it highlights the fundamental aspects and the problems encountered in the SEA processes of the adjustment of the city Masterplan to the Sardinian RLP.

The development of the city Masterplan began before the SEA procedure, and therefore, the value added that SEA could have provided in the training plan it is lost completely.

The plan's objectives were defined on the basis of the addresses of RLP, before the SEA. The planning authorities and the proceeding authority identified the general and specific objectives of the city Masterplan. In the next moment they identified additional and complementary objectives for the SEA process referring to a concept of sustainability, integrating environmental protection and economic development and social equity. The overall system of the general objectives of the city Masterplan contaminated by the SEA process consists of the following addresses:

1. recognition of the environmental system;
2. recognition of places of historical memory and cultural;
3. structural and functional reorganization of the city and the territory;
4. strengthening of the economic system of production;
5. strengthening and reorganization of the tourism sector;
6. strengthening of the sustainability elements of the city Masterplan.

Each of the general objectives is articulated in a series of specific objectives, which implements the action's plan of the city Masterplan.

A key feature of the SEA process is the critical analysis of the potential environmental, social and economic impacts needs to be carried out carefully (Verheem, 1992) to ensure that all potential problems are identified and the right level of assessment chosen (Von Seht, 1999). This enables the comparison of alternatives (Arce & Gullon, 2002) and is important in SEA because of the levels of uncertainty associated with strategic impact prediction (Smith, 1996). In the city Masterplan of the city of Alghero alternatives were not considered.

If SEA is not interpreted as a framework within government decision making, disregards the spirit of the Directive and, in particular, is severely affected in its potential to improve the quality of the planning process. If, as in the case of Alghero, the SEA started fifteen years after the start of the construction process of city Masterplan, it is evident that looking for credible alternatives does not make sense if the choices have already been taken in the past. In this case SEA is not a means of achieving sustainable development, because it has not been used at the early stage in decision making and can not embrace wider options and the precautionary principle better than later tiers (Von Seht, 1999).

SEA is a consultative and iterative process. Dialogue and exchange amongst a range of stakeholders is viewed as a critical element to the success of any SEA. Consultation should take place at multiple stages of the SEA decision-making process to ensure that all important aspects have been identified.

The SEA process of the city Masterplan of Alghero aimed to catalyze a territorial governance process to relate SEA proceeding authority, Regional and province authority, environmental authority, Protected Marine Area³ authority, Park Authorities⁴, public agencies, profit and non-profit enterprises, social and non-governmental organizations. In this case during the scoping meetings there was the absence of most of invited in particular the environmental authorities. This lack of participation has caused, in addition to a lack of a evaluation culture and of participation process, including the methodological weaknesses that have characterised the organizational details of the scoping phases. For the absence of process key-actors, the scoping meetings are focused on discussions about the environmental state of Alghero and its problems, than on an examination of the plan contents. In this critical context to be considered as another problematic issue: the difficulty of the SEA competent Authority, the Province of Sassari, to play a proactive and subsidiary role in the SEA process. The lack of technical expertise on the SEA has reduced the role of the Province to the simple formal control of the procedure.

5. CRITICALITY IN THE ADJUSTMENT PHASE

The critical aspects which emerged in the adjustment of city Masterplans to the Sardinian RLP are to be considered in a scenario which is common among those territorial and normative contexts to which the Directive should be applied. The SEA, in its legitimate attempt to guarantee a certain conformity with the principles of environmental and territorial sustainability, though hampered by the lack of an effective integration with the planning process, could risk to actually slow down the procedures of the creation of city Masterplans, more specifically the City Councils instruments for local development.

If the general problem is the lack of integration between the SEA and planning, there are other critical aspects. These can be placed in political-institutional and technical-normative contexts.

As regards the former aspect, there is an evident lack of capacity to find a correct collocation for the assessment/planning process in the political agenda of territorial governance. There are no multi-level governance systems which are able to foresee participation models, aimed at

³ The Protected Marine Area of Capo Caccia (Alghero)

⁴ The Porto Conte National Park

communal decisions and cohesion among the different institutional levels, economic subjects and local populations. In this respect, medium-level governing bodies and institutions should be able to efficiently absorb activities coming from local actors, in an integrated and functional governance system. In the context of assessment processes triggered by the adjustment of city Masterplans to the RLP, there is a need for territorial governance.

On top of these critical aspects, the decision not to include SEA procedures during the adoption and approval phases of the RLP, unacceptable from an ethical and legal point of view, appears to be of a political nature. The lack of a participatory phase, prior to the building and sharing of knowledge, has meant that the procedures of adjustment of city Masterplans do not foresee an assessment phase during the planning process. This has resulted in a growing distance between local administrations and the Regional Authority. In the revision phase of the plan, currently under way, the central administration is consulting local communities, though not using evaluation methods consistent with SEA regulations.

In order to involve local actors, it is essential that SEA procedures be re-defined at a Regional level, especially the preliminary and guidance phases of the process. This could help to update planning methods and guarantee a more correct adjustment of the contents of urban planning to the different levels of intervention across the territory; the assessment of the effects caused by the implementation of a plan would result in a valid instrument to support further planning decisions.

6. CONCLUSIONS

The case study which is described in this essay is negatively influenced by the lack of a series of initiatives, which should be carried out as a joint effort and which are deemed essential for a productive application of the SEA. The one is the adoption in Sardinia of an organic law for a Regional reform of urban development. It is evident that there is a lack of an adequate normative framework for urban development within which the problems related to environmental assessment can be regulated. Also missing is the possibility to harmonise the contents and procedures, typical of an evaluation pattern, with the contents and procedures needed to set up territorial and urban planning instruments at different government levels. Ultimately, what appears from the assessment research is that territorial planning in Sardinia faces the necessity of what has been in many fields (and significantly, in activities involved in territorial governing) defined as an *inclusive and incremental paradigm*. It concerns the attempts to create inter-disciplinary links aimed at an improved interpretation of urban and territorial transformations and, on a more strictly operative level, to seek forms coordination

and integration between economic planning and physical planning. Furthermore, the lack of a Regional urban instrument has clearly highlighted the real weakness of the RLP, whose strategic capacity has been hampered by the successive normative acts, brought forward with the intention of radically altering its founding principles. The situation outlined above calls for an urgent normative reform which could positively influence the assessment of the effects of the plan across the landscape and in particular, it would mean overcoming the outdated dualistic approach which separates urban planning from landscape planning. This is the only way in which the two forcedly separated phases of territorial planning and management can be unified.

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