

# Landscape Planning and Its Influence over Property Management and Renovation

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## SUMMARY

Preserving natural and man-made monuments through integrated landscape management, with the aim of promoting sustainable development of urban and rural areas, has gained increasing attention throughout the world in the last few decades.

The European Landscape Convention (Florence, 2000) is one of the most important agreements in Europe, as it provided the guidelines upon which Member States developed their domestic policies.

With its rich heritage of natural wonders and monuments, Italy has developed a solid body of national rules which acknowledge the European agreements, including the "Code of Cultural Heritage and Landscape". The Code has exerted a very significant influence over the entire national territory, since it required the Regional administrations to develop local conservation policies and regulation, thus redressing lacking or inefficient local rules.

Every Region has since developed its own "Regional Landscape Plan", an efficient tool for territorial management which is based upon the detailed analysis of the local landscape and traditions. The results of such analysis fed into the management guidelines, which in turn focussed on three main policy objectives: renovation, enhancement and conservation.

Landscape Plans have a strong impact on properties, as specific rules are imposed for the construction and maintenance of any real estate which has landscape conservation requirements. Specifically, the law limits construction of new buildings and constrains the maintenance, renovation and expansion of existing buildings. For properties bound by conservation requirements, in addition to the regular building authorisation, any building work requires the specific authorisation of the competent authority on Landscape, who verifies compliance with the Plan.

This paper illustrates the specific impact of Landscape Plans over management and regeneration of properties, by analysing the case of the Region of Sardinia with a special focus on coastal property and urban centres, and by providing a detailed example of application for building authorisation in conservation areas.

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## 1. GENERAL INTRODUCTION

In the twentieth century, technical progress determined a rapid industrial development, which has caused, especially since the end of WWII, the indiscriminate exploitation of our planet's natural resources, with no concern for protecting the environment. On the contrary, in the last few decades, greater attention has been paid to the preservation of cultural and landscape assets. Through international agreements and conventions, communities have gained awareness of the real environmental issues, and have decided to set up mechanisms to ensure sustainable development over time.

The environment and the character of the land shape both culture and social progress; thus stronger environmental culture allows for conscious development of the territory. Good management of the territory guarantees the preservation of the environment and of the cultural and historical features of the community.

Through the protection of the landscape and its traditions, member states of the European Community have strongly committed to the achievement of common objectives which could represent the main strategic point of reference for the development of the territory and the preservation of its culture. Protection and enhancement act together to preserve the memory of the community and the lands. The European Landscape Convention (Florence, 2000) is especially relevant.

Italy, with its vast richness of exceptional landscape and monuments of special historical and cultural value, has adopted the spirit of the European Landscape Convention, and enacted the Legislative Decree 42/2004 known as the "Code of Landscape and Cultural Heritage". This Code promotes the public interest for environmental protection and sets the main determinants within which the Regional administrations may exercise their legislative discretion.

## 2. APPLICABLE LAWS

The Italian Republic first established over 60 years ago, in its written constitution, the main principles that, together with the main European conventions, inspire present Italian rules on environmental protection.

Art. 9 of the Constitution states that "*the Italian Republic safeguards the landscape and the historical and artistic heritage of the nation*". One can thus state that landscape protection cannot be founded upon individual interests, but rather on the wider community interest.

The European Landscape Convention (Florence 2000) is the latest of a series of conventions agreed in Europe since 1972, and it aims at promoting protection, management and planning for the landscape. It provides guidelines on the organisation of European cooperation on the issues of special social interest such as the environmental and urban landscape.

Incorporating the objectives of the European Convention, Italy enacted the Legislative Decree 42/2004, better known as the "Code of Landscape and Cultural Heritage". The Code set the

main points upon which the Italian regional administrations later developed their local rules. The Code entrusts the Ministry for Cultural Heritage with the task of protecting landscape assets, and the Ministry can do so directly or delegate protection to the Regions through agreements or coordinated actions. The Ministry must also define the policies for landscape protection and enhancement, and monitor the landscape assets under protection. Furthermore, the Ministry appoints decentralised regional offices, “Soprintendenza”, to issue binding advice/clearance on authorisations relating to the areas protected under the Code of Landscape and Cultural Heritage. Art. 142 of the Code identifies the areas protected under the law, which can be thus summarized:

- coastal areas within 300 m from shoreline;
- lakeside areas within 300 m from shoreline;
- rivers, torrents, streams of special importance, and river banks for 150 m on each side;
- mountains, at heights above 1600 m a.s.l. for the Alpine Chain and 1200m a.s.l. for the Apennines and islands;
- glaciers and cirques;
- parks and national or regional nature reserves;
- forested areas and woodlands;
- areas assigned to Universities of Agriculture and areas assigned to civic uses;
- wetlands of special beauty;
- volcanoes;
- archaeological areas.

Given the shape and nature of its territory, Italy needs to rely greatly on environmental protection measures.

The Code establishes that the Regional administrations, together with the Ministry, must provide all the relevant administrative functions and cooperate to promote greater knowledge about landscape assets, and support enhancement and protection of the same assets.

Regional administrations have developed their own Regional Landscape Plans, often conducting specific surveys and research to identify and analyse the peculiar characteristics of each territory, with a view to determining the specific conditions needed to protect their valuable areas and assets.

The Sardinian Regional Landscape Plan, which was approved in 2006, is now a solid instrument for local governance. The Plan “*identifies the coastal areas, in particular, as strategic and fundamental assets for the sustainable development of the Sardinian territory, and acknowledges the need for integrated management of those assets in order to ensure their correct development, capable of safeguarding the biodiversity, uniqueness and integrity of the ecosystems, as well as their attractiveness for tourists*”. The Plan was developed under the supervision of a highly specialised Steering committee, a Scientific committee and an Operative committee who carried out an in-depth analysis of the local history and landscape and then developed this instrument for the effective protection of the territory against the privatisation and waste of its resources.

### **3. THE LANDSCAPE PLAN OF THE REGION OF SARDINIA**

#### **3.1 The planning scheme adopted**

At the planning stage, a specific procedure was adopted to write the Plan, which took into consideration three major classes of areas:

- a. conservation areas;
- b. redevelopment areas;
- c. transformation areas.

The **conservation areas** include all spaces where any human intervention is banned, unless it is designed to simply utilize or improve the territorial context.

The **redevelopment areas** are divided into two subgroups:

- **landscape units that need harmonising**, which include all those slightly compromised or degraded units that, based on the pre-plan analysis, would require specific Operative Plans and specific measures to ensure the plans achieve their objectives in terms of environmental context, infrastructures and services;
- **landscape units that need developing**, these areas are characterised by a high degree of degradation or damage, not just regarding the environment or landscape, but also in terms of human settlements; in this case the Operating Plans include the rules and actions required to overcome the environmental or urban degradation, by way of Action Plans to be regularly checked and monitored.

The **transformation areas** include those areas which can be transformed through private or public action, on the basis of the planning regulations.

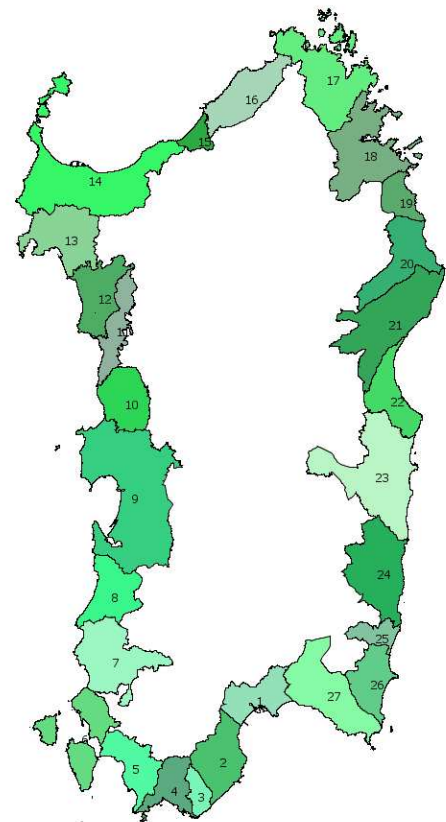
### 3.2 Landscape units

The so-called “Landscape Units” were defined on the basis of the analyses carried out during the implementation of the Regional Landscape Plan.

The definition of Landscape, according to the Code of Landscape and Cultural Heritage, is “a homogeneous portion of land whose character is the result of the action and interaction of natural and human factors”. Art. 143 of the Code establishes that the Landscape Plans must divide the land into homogenous units (figure 1), from the most valuable units all the way to those that need rehabilitation from damages and degradation.

Any transformation, rehabilitation and redevelopment of properties, as well as any sustainable enhancement of the landscape, is regulated within each unit. This partition into homogenous territorial units simplified the local provisions of the Landscape Plan and determined specific lines of development and conservation for each unit.

Each unit is a complex domain, within which many characteristic elements of the territory may co-exist, such as history, developments, traditions and the environment. Specific values and critical issues are listed for each one of these elements. In particular, there are specific guidelines for the conservation and rehabilitation of the urban



*Fig.1 - Landscape units of the Regional Landscape Plan in Sardinia*

heritage and for any further urban development.

In Sardinia 27 coastal landscape units were identified, and specific modes of intervention were planned for each of them.

Generally speaking, quality objectives in landscape management are focussed on the protection of rural landscapes and of the sites included in the UNESCO World Heritage List. The quality objectives also consider the forecasts for urban development and impose that any activity in sites of outstanding value be in accordance with the provisions of the Landscape Plan.

Regarding the various types of land transformation, the Regional Landscape Plan identifies the areas where any activity is subject to the provisions of the Plan (and must be monitored) and where an authorization is required to proceed. This directly influences the zoning and planning activity of the Local authorities.

### 3.3 Coastal zones

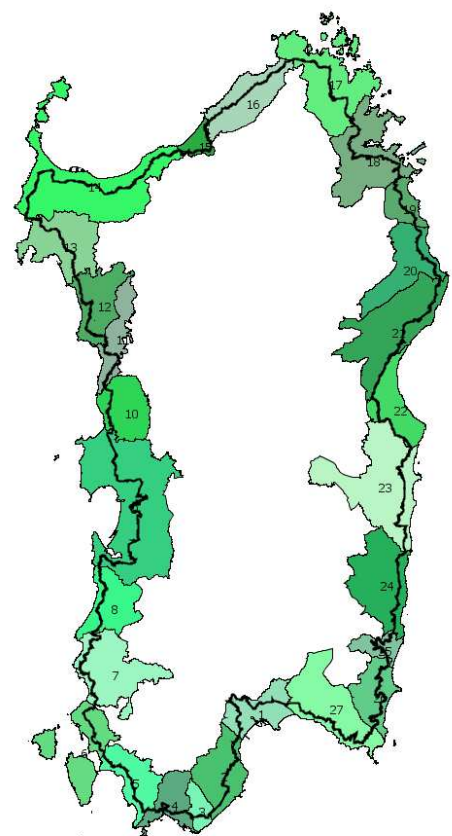
Coastal zones (figure 2) are listed within the category of composite landscape assets, as they are the result of the aggregation of various types of natural assets, such as dunes, cliffs, wetlands and promontories, which combine to form an extremely valuable landscape asset. Since the end of the '40s in the last century, widespread availability of infrastructures and the general promotion of development has resulted in the exponential growth of investors' interests towards the Sardinian coasts. The increase in value of the coastal building land, in turn, drove a significant exploitation of the coasts.

It was only from the '90s onward that coastal development policies have recognised the invaluable worth of those lands, and have steered the tourist sector towards conservation.

Before the adoption of the Landscape Plan, the laws acknowledged the primary importance of coastal areas for the development of the Sardinian economy, as they are the source of tourist revenues, but even so, the insufficient programming capacity of the Local government could not guarantee the preservation of those areas.

Figure 3 shows, for example, how the historical and natural features of the portion of land in the photo have been irretrievably compromised by unfettered building activity in areas where there was no adequate land use planning.

In the areas formerly classified as "F" zones of tourist development, a classification now disused by the Landscape Plan, only urban rehabilitation is allowed today. Any new building can only be constructed within existing settlements, and redevelopment of established real estate is subject to the issue of autorizations following the verification that the proposed



*Fig.2 - Boundaries of the coastal zoning*

changes comply with landscape regulation and with the environmental and cultural character of the area.

These provisions do not apply to the portions of land that were previously classified by municipal administrations as "A" zones (historical centre), "B" zones (urban consolidation), "C" zones (expansion areas) and "D" zones (industrial areas). Thus the ban on new building activities regards not only the former "F" zones, but also the agricultural "E" zones (where only activities connected with farming are now allowed) and all zones where local land use planning is non-existent.



*Fig.3 - Results of unfettered building development*

Municipal administrations are to keep to the provisions of the Plan when conducting scoping studies or modifying their urban planning and zoning.

The duty to control and verify compliance with the landscape regulations for any building activity in the protected coastal areas is assigned to the "Soprintendenza" for the areas within 300 m from the shoreline, and to the municipal offices for the coastal zone exceeding that distance.

### 3.4 Historical and cultural structures

Historical and cultural structures are those areas and buildings or artefacts that characterize long term historical anthropic activity in the land.

Two main categories are included in this group of assets:

1. **Landscape assets**, which are:
  - a. buildings and areas of significant public interest;
  - b. areas of archaeological interest;
  - c. typed buildings and areas, and more precisely:
    1. areas characterised by buildings or artefacts of historical and cultural value (protected by the Code of Landscape and Cultural Heritage);
    2. areas characterised by historical settlements;
2. **Identity assets**, which are:
  - a. areas characterised by buildings or artefacts of historical and cultural value (protected by the Regional Landscape Plan);
  - b. networks and connecting elements of historical relevance;
  - c. areas with productive settlements of historical relevance.

Following the enactment of the Regional Landscape Plan, municipalities are asked to ensure their Detailed Plans for the historical town centres comply with the provisions of the Regional Plan and to modify the borders of the historical town centre in their urban planning in line with the borders on the Regional Landscape Plan.

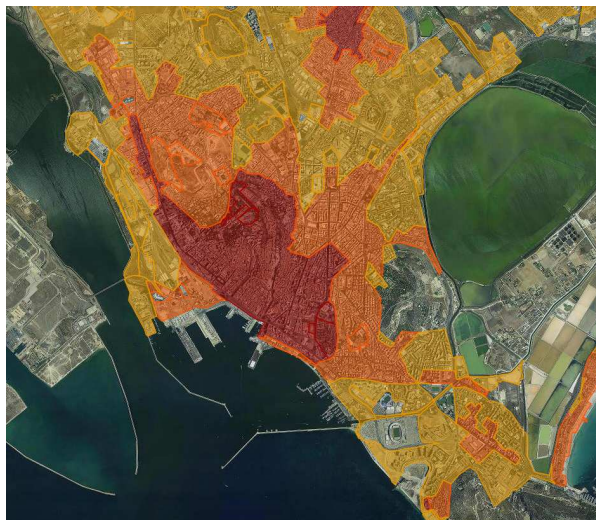
In most cases, the areas identified by the Regional Landscape Plan as historical centre (defined in the Plan as “centres of early and ancient settlement”) did not coincide with the areas drawn by municipalities, which tended to be smaller.

Figure 4 shows how the borders of the town centre drawn in the Detailed Plan of a coastal municipality of Southern Sardinia (in red in the picture) enclose a much smaller surface than those used in the Regional Landscape Plan (highlighted in green).

Those municipalities that have a Detailed Plan for the historical centre can allow any activity considered in their plan, subject only to the condition that they verify the overall compliance of the local plan with the Regional Landscape Plan provisions.



*Fig.4 - Differences between the perimeter of the historical centre in the Municipal plan and in the Regional Landscape Plan*



*Fig.5 - Division of municipal areas according to the provisions of the Regional Landscape Plan*

Figure 5 shows how, in the same municipality taken as example earlier, the Regional landscape Plan divided the land into three distinct yet homogenous areas:

- a. centres of early and ancient settlement (highlighted in red);
- b. urban expansion up to the 1950s (highlighted in orange);
- c. recent expansion (highlighted in yellow);

On the contrary, those municipalities where no Detailed Plan is available can only allow interventions for maintenance (routine and supplementary), restoration, conservative renewal and internal conversions.

During the compliance phase, municipalities set the types of activity that are allowed in the areas adjacent to identity assets. In the absence of specific local provisions, the Regional Landscape Plan applies, and no new building is allowed within 100 m from the most external contour of the identity asset. In this case too, urban planning rules have a strong impact on real estate, especially in the areas formerly classified as "B" zones which are now inside the perimeter of a historical centre.

#### **4. IMPACT OF THE REGIONAL LANDSCAPE PLAN ON REAL ESTATE**

Certainly one of the sectors where the impact of landscape protection has been most evident, is that of the real estate market, where specific conservation and development provisions are imposed over the following types of property:

1. ***Properties where only conservation and renovation works are allowed***, which include:
  - a. properties that were not considered to be part of the historical town centre in the past but are now included in the new perimeters imposed by the Regional Landscape Plan in the absence of a Detailed Plan from the municipality;
  - b. properties located within the perimeters of protected landscape assets;
  - c. properties located within the perimeters of protected identity assets, in the event that the municipality' Urban Planning is not compliant with the Regional Landscape Plan's provisions;
  - d. properties built within the tourist "F" zones and the agricultural "E" zones within the perimeter of the coastal areas (figure 2);
  - e. properties built within the coastal areas (figure 2), where no local Urban Planning is available.

For these properties, any building activity requires prior acquisition of the binding clearance of the "Soprintendenza" (the so called landscape "*nihil obstat*"), as well as the concurrent landscape-compliant authorisation from the regional offices in line with the advice from "Soprintendenza".

2. ***Properties where modification and extension works are allowed***, which include:
  - a. properties located in municipalities whose Detailed Plans are compliant with the provisions of the Regional Landscape Plan;
  - b. properties located within the perimeter of protected identity assets in municipalities whose Urban Planning is compliant with the provisions of the Regional Landscape Plan.

Building works in these properties require only the authorisation issued by the municipal office, and not the prior clearance from the "Soprintendenza".

#### **4.1 Authorisation from the authorities charged with landscape protection**

The owners of properties protected under the Regional Landscape Plan, "*cannot destroy them or modify them in ways that may damage the landscape value under protection*" unless they obtain a permit to build, under the provisions of the Regional Landscape Plan. Hence, owners must apply to the competent authorities, and the application must include the building project for which the authorisation is sought. The authorisation is considered an autonomous act that must precede the permit to build or any other lawful deed that may authorise an urban building activity. An application is made to the municipal office, which, in turn, must communicate and copy the application to the regional office in charge of Landscape protection.

There are three different types of authorisation, depending on the type of building work applied for and on the modes and timing of its issue:

1. ***Ordinary authorisations***, are issued for building works that do not fall under the definition given for the simplified procedures; these authorisations require an application folder complete with details on the location of the proposed work, the



characteristics of the protected asset, the work plan and design, the anthropic characteristics of the project and the mitigation proposed. The Prime Minister Decree dated 12th December 2005 reports the detail of both the documentation needed to support the application and its content.

The main documents are the Landscape technical report, the building project and the Environmental Impact Assessment, which are essential for the competent authority to evaluate the features of the proposed project against the provisions of the Regional Landscape Plan. This procedure is supposed to take no longer than 105 days, as follows:

- within 40 days from reception of the application, the competent office verifies compliance of the project with the provisions of the Regional Landscape Plan and transmits the documentation to the “Soprintendenza”;
- within 45 days from reception of such documentation, the “Soprintendenza” issues its opinion/clearance for the authorisation and communicates it to the competent office;
- within 20 days from the opinion/clearance being issued by the “Soprintendenza”, the competent office issues the authorisation, or an advice of adverse opinion, against which the applicant can present modifications to the original plans or his/her own opinion.

The authorisation acquires validity 30 days after the date of its issue and remains valid for the following five years.

2. ***Simplified authorisations***, are issued for those building works that do not cause any damage to the protected landscape assets, as per Annex 1 of the Presidential Decree N. 139/2010. This authorisation requires a simpler application process than the ordinary procedure; the building project and the report still needs to describe the location before and after the planned intervention, but fewer supporting attachments are required, and they need less detail than the ordinary applications.

The procedure for the authorisation is completed within 60 days from the date of application, except for the cases in which the competent office has required further documentation in support of the application. The authorisation is valid for five years.

3. ***Regularising authorisations***, are issued for building works that have been carried out in the absence of, or non-compliance with, an authorisation - subject to compliance with the requirements of landscape protection- in the following instances:
  - a. works that were carried out in the in the absence of, or non-compliance with, an authorisation as long as no new/additional surface or volumes were created exceeding those that were authorised;
  - b. works that employed materials different from those approved in the authorisation;
  - c. works of routine or supplementary maintenance.

The competent office issues its decision within 180 days, subject to the opinion of the “Soprintendenza” which is issued within 90 days for assets of outstanding historical or landscape value.

If the building work that needs to be regularised is not compliant with the provision of the Regional Landscape Plan, the competent office will order the restitution of the original *status quo*. In all cases, a monetary fine is imposed.

## 4.2 Impact on the market value of real estate

The market value of real estate has been strongly influenced by the provisions of the Regional Landscape Plan. Most of the unbuilt coastal lands that were previously classified as "F" tourist zones or "E" agricultural zones or the areas without land use planning have experienced a significant reduction in value, as it is no longer possible to build on them. On the contrary, the buildings constructed before the introduction of the Regional Landscape Plan have experienced a steep increase in their market value, at times even above 100% (figure 6) and with prices above 30'000.00 €/m<sup>2</sup> in the areas of high tourist appeal (e.g. the exclusive tourist areas of Porto Cervo and Porto Rotondo).

This increase also leaked to the adjacent lands that were not classified as protected landscape. The Regional Landscape Plan has created a real estate market in the protected areas which is focussed on the sale of existing property, their renovation and enhancement, while new building works have been directed to urban centres endowed with efficient urban planning.

In urban historical centres ("A" zones) the situation is different from that of coastal areas. In A zones new buildings can be constructed and old buildings can be torn down and re-built, if Detailed Plans are available and compliant with the provisions of the Regional Landscape Plan.

The properties that have been temporarily disadvantaged are those that fall within the perimeter of the early centres under the Regional Landscape Plan but were considered outside the historical centre in the municipal planning before compliance with the provisions of the Regional Landscape Plan.

In these properties only conservation and renovation is possible until the Detailed Plans are made to comply with the Regional Landscape Plan.

As shown in figure 7, the sales prices of A zone properties have not changed with the enactment of the Regional Landscape Plan, between 2004 and 2006.

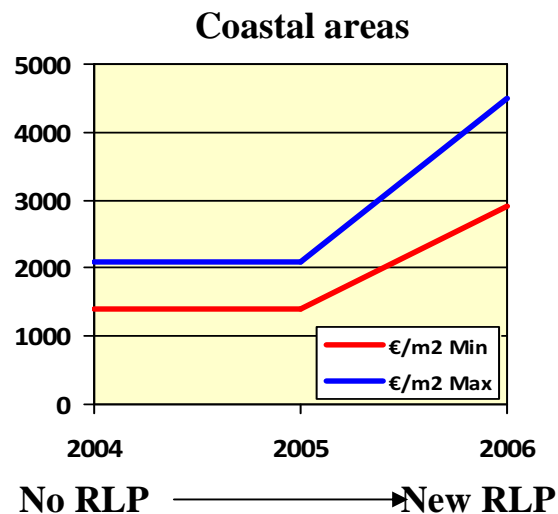


Fig.6 - Villasimius (CA) - Italy  
Sales prices between 2004 and 2006

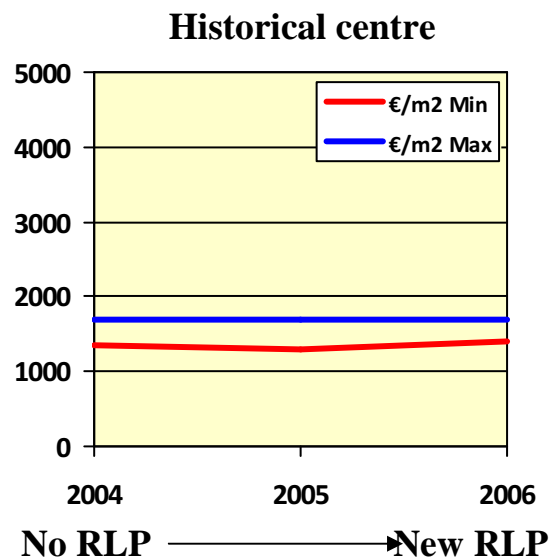


Fig.7 - Historical "Castello" quarter  
Cagliari - Italy -  
Sales prices between 2004 and 2006

## 5. CONCLUSIONS

The strong commitment taken at the institutional, community and national level has enabled to enact territorial policies that constitute a valid instrument for the protection of assets of exceptional importance, such as nature and traditions.

Conservation policies that impose limits on the building activity are aimed at the enhancement of the existing real estate without compromising the lands that are still unbuilt.

It is clear, however, that together with the policies aimed at conservation of historical and natural beauty in our country, wider scoping policies are also needed (tourism, integration of people etc.) to enhance the territory and its quality, to strengthen the appeal of tourist destinations.

Greater awareness of the need for international debate and information exchange will enable Italy and other European states to acquire the necessary tools for a good territorial governance, capable of preserving what we have received from our generous ancestors and consciously hand it down to the future generations.

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