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The Emergency Plan for the use and management of the territory

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THE EMERGENCY PLAN FOR THE USE AND MANAGEMENT OF THE TERRITORY

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The cover image is a photo of the landslide that hit the municipality of Amalfi (Italy) in February 2021.

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THE EMERGENCY PLAN FOR THE USE AND MANAGEMENT OF THE TERRITORY

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The time profile of transformations in territorial governance

Towards a meeting point between urban planning and risk management

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Abstract

As a result of the close relationship with the School of Architecture founded in 1919, Italian urban planning has often been marked by a search for a difficult balance between spatial and temporal projections in plans, often favouring the former over the latter. Due to this unequal development in planning contents, territorial governance has shown a worrying loss of authority, which tends to generate evident contradictions when territorial planning is called to contend with problems deriving from the management of areas where urban planning forecasts must coexist with extraordinary provisions adopted following an earthquake or other natural disaster. In this recurring difficulty of finding space within ordinary planning procedures for measures designed to address the emergency, three starting conditions prove to be decisive. The first is the need to guarantee the availability of a rigorous cognitive framework to allow an increasingly complex and unstable planning system to be based on rich, detailed information. The second is the requirement to reduce the gap between the technical times necessary to develop planning tools and the necessary promptness for procedures to coordinate emergency policies. The third is the need to entrust strategic documents with the task of balancing the relationship between the short and long terms, both in urban planning and in emergency plans.

Keywords

Strategic planning; Decision-making system; Simplifying procedures.

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1. Introduction

The history of modern urban planning has often been marked by the search for a satisfactory balance between spatial and temporal projections in planning. This attempt has only rarely yielded the expected results. In the different phases crossed by our discipline, it indeed seems that the prevalence of the former over the latter has not only produced important changes in the shape of the plan, but has wound up decreeing the success or failure of public policies that were launched to overcome the main challenges that society has had to address over time.

Especially in Italy, the prevalence of a vision focused on architecture and urbanism in the *planning* culture has ensured that the solution to layout problems in many cases favours regulating land use and addressing the morphology and type of settlements, with the result that the study and definition of dynamics that would have characterized the change are overlooked. Due to this unequal development in the contents of planning, territorial governance rarely seems able to dialogue effectively with the public administration, and the conflict that results between a rigid, non-updated regulatory framework and the requests expressed from the local government to consider changes in the context lies at the heart of a worrying loss of authority of the urban plan. This tool both risks conditioning (and slowing) the proper unfolding of decision-making processes and does not always guarantee the correct *territorialization* of public investments.

Faced with the short circuit that tends to be generated between the ex ante forecasting of settlement transformations and the control that occurs as they materialize, further critical aspects are destined to arise when territorial planning is called to face problems deriving from the management of those areas where risk assessment is of fundamental importance. In such situations, the atemporal character of many urban planning predictions and the difficulty of quickly introducing the sometimes radical modifications dictated by the emergency has in many cases induced a drastic separation between the decision-making processes prescribed by urban planning legislation and the extraordinary provisions necessitated by a traumatic event such as an earthquake or other natural disaster.

As the earthquakes in Central Italy in 2016 and 2017 recently highlighted, the reconstruction process often seems destined to produce a conflict between general municipal planning tools and the reconstruction plan that is difficult to resolve. At the base of this divergence lies the difficulty of combining the objective of favouring the return of residents evacuated from the areas most seriously hit — with the attempt to support the rebirth of the social and economic framework of the context of reference — and the succession of numerous, often contradictory regulatory interventions (decrees and ordinances), requested in turn by politics, technicians, experts, or local administrations over the years. As has been widely shown, this has highlighted uncertainties, reconsiderations, and changes in governance, which certainly have not helped reconstruction or created the conditions for a new phase in developing the inland areas of the Central Apennines starting with an overall urban-planning and territorial vision. Precisely by virtue of the tendency to introduce criteria that are difficult to reconcile, first Ordinances 25/2017 and 39/2017 and then Ordinance 107/2020 seem to reference diverging interests and values.

Amid this clear difficulty of finding space in ordinary planning procedures for measures aimed to address the emergency, respect for three starting conditions may be decisive in the near future. The first is the capacity to guarantee the offer of a rigorous, exhaustive cognitive framework that, in addition to providing an organic representation of the state of the territory and its characteristic evolutionary processes, also provides the necessary data about exposure and vulnerability to develop *damage scenarios* for scrupulous consideration of the territorial risk. The centrality that knowledge would tend to acquire thus may be traced to the need for a planning system increasingly based on a rich, organized base of information; however, it is also necessary to consider that reference to a single analytical *corpus* can ensure that the most important decisions are taken in a public space where democratic interaction and trust in the principle of responsibility are exercised (Governa, 2014).

The second condition that should be protected regards then the need to favor the significant rationalization and acceleration of decision-making processes to reduce the *gap* that tends to grow continuously between the technical times needed to draft planning tools and the necessary promptness to coordinate emergency policies. Anticipating a consideration discussed later, the attempt to attenuate criticalities deriving from territorial governance subject to the deficiencies of a decision-making processes with double speed should ensure that the urban plan is not increasingly deemed useless in a period dominated as it is by uncertainty and risk (Talia, 2017b). This type of goals assumes much more efficient territorial governance, which in turn seems to allude to the recovery of *administrative discretion* that the recent "simplification decree" (Legislative Decree no. 76 of 16 July 2020) intends to promote.

Lastly, a third condition seems even more promising, in which strategic documents are viewed as a tool aimed at balancing the relationship between temporariness and permanence (Barca & Ricci, 2018), both in urban planning and in emergency plans. In fact, by adopting an approach of this type, it seems possible to validate the conviction that effective responses can be made to the request to closely assess decisions of collective interest and for frequent tests to ascertain their inclination to intercept the changes underway. Not only that. By assuming this new orientation, risk management can finally do away with binding tools, giving planning the task of defining the methodological *frame* in which to classify the limits of danger that public action should consider, and within which it will be possible to observe different intervention alternatives (Talia, 2020, p. 139).

2. Cognitive processes and the new tasks of urban planning

In the long and laborious transition that has affected territorial governance for some time now, the role of knowledge seems destined to assume increasingly significant importance. Expecting a more radical change in planning tools, the direction, speed, and results truly achieved by urban planning projects will depend rather heavily on the cognitive resources employed. In addition to assigning territorial research with unprecedented authority, at least in Italy, this new approach is clearly destined have a rather large influence on processes that contribute to decision-making. With regard to the relationship between general municipal planning and the reconstruction plan at the focus of this reflection, the availability of in-depth, updated cognitive frameworks can certainly facilitate dialogue and collaboration between these two different approaches to territorial governance. This search for appropriate forms of contact between these two types of plan evidently involves close attention to knowledge about questions related to securing the territory, a verification of the geological feasibility of reconstruction interventions, and the possible activation of positive trade-offs between two or more ecosystem services.

While discussion about the relationships between tactics and strategies had already marked the need to mobilize a large range of analytical knowledge and technical skills (Talia, 2017a), the shift to this new 'chapter' in reflection on the evolution of the plan prefigures a clear dilation of the area of interest, and it especially involves the need to investigate the implications of some concepts of fundamental importance for understanding the notion of risk. At the same time, this is followed by the need to clarify the type of future and margins of uncertainty that the plan should help to outline, which, in the case of reconstruction, should entail better anchoring to the time profile of the expected settlement transformations.

With regard to the first question, it is probably worth starting from the contrast between what many consider to be 'the risk as an objective reality that exists in the physical environment independent of whom and how it is perceived and represented ... and those that instead assume risk as a *sociocultural construct*, in other words, as an experiential situation mediated by culture, knowledge, and values' (Cerase, 2017, p. 29, English translation by the author). The antithesis between these two readings of the notion of risk has obvious implications that are not only conceptual. Especially in the latter interpretation, the use of a *constructionist* approach to the issue of security shows that territorial governance can successfully control

and manage risk factors by using, for example, a matrix to organize intervention alternatives and the thresholds of vulnerability that public action can, and in some cases *must*, consider.

But there is another issue that should be addressed, which regards the creation of scenarios for visions of the future and the awareness of risks that the plan should consider when evaluating its design contents. In this regard, it is necessary to start by considering the radical transformations brought about by technological innovation in the space-time relationships that preside over the reorganization of society and the new settlement structures that will arise from it. Since these changes seem destined to prevent the market economy from compensating once again — as was always the case in the past — with the tendency of the profit rate to fall by creating ever new spatial relationships, our view of the future prospects of our communities and urban systems must necessarily change and be equipped with new cognitive tools. Having to dispense with that radical change of the array of production, exchange, and consumption which had characterized the salient phases of the industrialization process (Harvey, 2011), the new geography drawn by electronic and telematic flows dictates an authentic jump in quality. If capitalism can therefore no longer adapt to technological progress, then post-capitalism is required (Mason, 2016, p. 14) and reflection on the future prospects of our communities and urban systems — including the Apennine regions and the others inland areas of Italy — will have to be equipped with new interpretational paradigms.

Faced with the new questions presented to territorial governance, cognitive processes will have to open more towards applied research, intertwining ever closer links with the ethical and political aspects of technical-administrative action. For decision-makers, *planners*, public administration employees, and the local communities themselves, it is a matter of making a sweeping turn, confirming a hypothesis already proposed by Albert O.

Hirschman, according to which the pursuit of knowledge, on a par with the search of beauty, well-being and safety, 'contains within it its own reward'. Therefore, while the commitment made by citizens for the benefit of public happiness appears to have largely paid off (Hirschman, 1983, p. 111–7), the result is more interesting opportunities to enhance collective behaviour in contemporary society, on which new forms of collaboration and reciprocity can be based to remodel the frame of economic and social relationships.

In the perspective delineated by current and future strategies to overcome the pandemic crisis, a combination of consistent public and private investments can be hypothesized to favour scientific research, entailing significant modernization and securing the urban areas, and resolute advancement in technological standards. This involves the dual scope of significantly reducing emissions and increasing market opportunities for companies that offer functional products for such modernization, but also in this case the balance to be achieved when recomposing the main objectives of the urban and territorial agenda will have to rely on the renewed potential of the cognitive framework.

By virtue of the contribution offered by new information technologies, we can expect important progress in the acquisition, treatment, communication, and sharing of territorial and environmental data necessary to support multi-actor decision-making processes (big data management, development of sensors, urban intelligence, etc.). All this can evidently trigger a new alliance between urban planning and emergency management which, with the availability of an integrated system of knowledge, may be capable of following a more advanced synthesis of the respective priorities (Aven & Zio, 2018).

Towards the reform of administrative and control procedures in territorial governance

If we believe that the dialogue between urban-planning regulations and risk management should intensify in the coming years, it is necessary to ensure that the complexity and length of the procedures required by both disciplines are brought under control. Otherwise, we can expect the adoption of impromptu and illconsidered initiatives from both national and regional institutions, which having stopped expecting an organic proposal for reform by Parliament or regional councils, could aim to drastically simplify decisionmaking and implementation processes. The consequence — we must be fully aware — would be the endangerment of fundamental tools of environmental protection and competition between economic subjects.

To avoid a further tendency to derogate increasingly intricate and cumbersome decision-making processes (expanding recourse to "silence-consent", attribution of substitutive powers for the construction of major works, etc.), it is now also essential to get ahead of this thing together. By acting, for example, in such a way that the authoritativeness of planning institutions and instruments is guaranteed through decisive intervention in favour of more targeted public policies relying on linear, clearly selected technical-administrative devices.

In this perspective, it is very probable that the public apparatus is called to rebuild an operational capacity, which has been the object of repeated curtailing measures in the last decades (staff cuts, career freezes and transfers blocks, job insecurity and temporariness, reduced investment in training and technological innovation). It is also possible, however, that progress can finally be made towards an organic reform of the public procurement code, with the consequent rationalization of implementation processes and strengthening of social and territorial governance tools. With initiatives of this kind, it is likewise possible to finally counteract the gradual abandonment of the role of stimulus and guiding that has characterized the public debate for at least twenty years, but which, in light of the extraordinary commitment that will be necessary following the launch of *Next Generation EU*, seems to require a decisive change in course.

It should be pointed out that both policies for the correct use of the territory and reconstruction plans adopted in emergency situations can benefit equally from this drive towards de-bureaucratization, not only because, especially in Italy, these two different approaches to planning are used to coexisting due to widespread territorial contexts characterized by a high degree of natural risk. With a view to possible integration between these two different ideas of the urban-planning discipline, the tendency towards rationalization and the acceleration of decision-making processes may give rise to quite different responses. In the case of general urban planning we can expect, for example, a greater propensity to rely on new planning tools to renew the usual intervention strategies, with the goal of overcoming resistance to effectively accelerating decision-making processes. In the governance of territories hit by a natural catastrophe, this instead relates to favouring the discovery of certain clear synergies between measures intended to promote the reconstruction of the built heritage and a broader vision of policies that may lead to the rebirth of the entire region.

Behind the renewed need to strengthen planning, there is most likely an awareness of the failure of the *Minimum State* model, which played a hegemonic role throughout the long neo-liberal season (Wolff, 1991). The latter is a conviction that should have come to the fore much earlier, at the very least when the Great Recession that began in 2007 exposed the inability of market-regulation institutions to produce long-term views. Now, however, the foreseeable effects of the pandemic are finally forcing us to realize that the privatization and outsourcing of business activities that occurred in decades prior have considerably weakened the tools available to public administrations to respond to market crises (Mazzucato, 2020, p. 92). The limits of this contribution do not allow for an investigation of the causes underlying the loss of competitiveness of the Italian system that has developed in recent decades, which is due especially to the inefficiency of the public administration, insufficient investment in human capital, and delays accumulated in the provision of the main infrastructure and technological equipment. If we limit ourselves to closely analysing the latter impediment, however, we cannot help but noting that the trigger of this important loss of efficiency in public action can probably be traced to the increased time needed to realize public works. The scientific literature usually traces this criticality is particularly tied to the `crossing times' (Carlucci et al., 2019, p. 8), i.e. the time interval between a phase of realization of a sizeable public work and the next one

(design, tender, execution, testing). These times have a strong impact on the duration of the individual phases and depend on a variety of causes, although the weakness of the technical apparatus tends to be particularly important from a quantitative and qualitative point of view. According to an estimate made by the Agency for Territorial Cohesion, the crossing times measured throughout the implementation of public works constitute more than 54% of the entire duration of the implementation process, but the preliminary design phase alone is able to cover more than two thirds of crossing time (Agenzia per la Coesione Territoriale, 2018).

If we consider this pathological tendency in Italy to dilate the times needed to realize public works — which is five years for works with a value less than \leq 300,000 and greater than 11 years for works worth more than \leq 5 million (Carlucci et al., 2019, p. 24) — we should certainly not be surprised if Italy was, in 2019, in second-to-last place for spending capacity ahead of Croatia, with a percentage of Structural Funds usage at 30.7, and without recording any progress compared to the 2007–2013 period.

As a result of the delays accrued following the overlaps between the different programming phases — and the rush to use the available resources in order to achieve the expected spending targets and avoid the automatic cancellation of some programs — the use of the funds proved to constitute a real end «rather than representing a simple tool to achieve truly strategic objectives. The latter seem to have taken a back seat, along with the optimal use of resources and the measurement of results and real impacts» (Barca & Bruzzo, 2019).

Barring the adoption of further corrective measures, it is therefore inevitable that the spending capacity of EU resources will become a decisive factor in evaluating the foreseeable effects of the National Recovery and Resilience Plan (PNRR). It follows that Italy, which should receive a financial flow of about \in 248 billion between 2021 and 2026, will be subject to a formidable stress test.

Not only the marked acceleration of the implementation processes that will now be necessary, but also the experimental nature of some priority interventions and the supra-regional scale adopted for some major infrastructural works will require a new change in the balance between the public and private sectors. In a phase of intense perturbation such as this, even the relation between centre and periphery are probably destined to undergo a profound change, with particularly evident effects for the planning of interventions and for the configuration of the most important measures that will characterize the reconstruction of the country after the pandemic.

Especially in the case of territorial government, the need to innovate the matter which regulates the exercise of competing competencies between the State and the Regions may lead us to think of an intense and complex negotiation, if not even a comprehensive reform of Title V of the Italian Constitution. Nevertheless, the economic and social emergency in which we will have to operate in the coming years, and the need to respect the time constraints imposed by Brussels for the use of the extraordinary resources of the *Next Generation EU*, will probably suggest avoiding the danger of further extending the time required to search for a new institutional order and carry out the planned interventions.

Pending the redefinition — which is nevertheless necessary — of the inter-institutional relations that will have to preside over planning decisions, it is therefore convenient to hypothesize short- to medium-term measures with a prudent and incremental attitude that has already produced some preliminary results. Some examples include provisions adopted in the name of procedural simplification, the introduction of regulations favouring recourse to temporary uses, incentives for urban regeneration projects, and the recovery of abandoned buildings through the reduction, or even complete exemption, of the construction fee.

In an attempt to contain the paralysing effects generated by a model of "*defensive administration*" which, for fear of incurring censorship by the Court of Auditors, has led to the frequent renunciation of the exercise of power, the new legislative and regulatory interventions will probably seek to arouse a more marked administrative activism. This juridical device could very likely attempt to guarantee safe conduct for officials

and administrators who, while perhaps falling into conduct that may abstractly involve objective liability, can only be convicted if the subjective nature of malicious intent is proven (Veronese, 2020).

It is worth underlining, however, that the initiatives promoted to accelerate implementation processes for major infrastructure works and increase the responsibility of the public apparatus are not without their problematic aspects. One example is the presence in the *Legislative Decree on simplification* of some dangerous steps backwards. The latter concern on the one hand the will to force the *Code of Public Procurements* and other European regulations to raise the threshold for the direct assignment of public services and works, and on the other hand the attempt to significantly broaden the field of applicability of the figure of Extraordinary Commissioner, in open contradiction to the need to entrust this new entity with realizing a limited and selected number of single initiatives or larger intervention programmes that really hold priority.

In order to correct such critical aspects, one could think about establishing one or more *Mission Units* to launch projects of strategic importance or activating working groups to promote experimental interventions in the field of urban regeneration. The desirable effect would be to return to the Ministries — starting with the Ministry of Infrastructure and Transport — a role that goes well beyond the 'rescue' of areas in crisis and rebuilds the resilient capacity of government institutions to adapt to and learn from emergency management.

As far as more specific urban-planning regulations are concerned, the simplification objective could be achieved by placing particular emphasis on redefining the procedure to approve urban planning instruments, streamlining procedures (especially for private initiatives) and strengthening the powers of the "Conferenza dei servizi" as a fundamental step in decision-making. The latter is a body that could allow even more significant cuts in bureaucratic times and should, above all, be convened not only for investigative purposes — contextually examining the various public interests involved in administrative procedures — but also with decision-making powers, to take decisions agreed upon by the various administrations, and replacing the current process of agreed acts, dispensations, agreements, or acts of consent, however they may be called.

4. The relationship between temporariness and continuity in strategic planning tools

As a result of a unique convergence in more general orientations, not only areas cyclically affected by calamitous phenomena, but also territories preparing to host the most significant interventions of the PNRR seem destined to undergo the next phase of intense transformations relying on the culture and tools of strategic planning. It is very likely that in having to pilot a change of such proportions without knowing precisely where it will end up, it will be necessary to consider of the need to rely on *transition management* devices. This is the case, for example, of the tools made available by Transition Management, a governance approach which aims to facilitate and accelerate even radical changes through a participatory process that relies on visioning practices, on the development of shared learning models and on generalized recourse to experimentation (Rotmans et al., 2001).

In its most successful application, this management of transformation processes brings together multiple points of view and various approaches in a 'transition arena' where the actors involved are asked to organize the problems and opportunities presented by the context to be changed. The basic objective of this governance model is to generate collective visions and objectives to inspire the creation of sustainable development scenarios to examine the possible effect of policies, which would then be tested, and their effectiveness and possible impact assessed.

Applying this paradigm first to the identification, and then to the study and classification of risks, the frequent failures recorded by the reconstruction interventions would tend to suggest a much more careful

and prudent exploration of the local context, thus proposing interaction with local actors and predict the role that these actors can play in the rebirth of the areas hardest hit by natural disasters.

As was recently pointed out (Annesi et al, 2017), this particular approach to the reconstruction of areas in the disaster zone may constitute an essential reference for empowering local communities and policy makers, which could act as the foundation for a request for new planning tools in the conviction that the latter will be able to contribute to defining shared medium and long-term scenarios in which all the main stakeholders will consider themselves directly involved.

It is very likely that, once tested in areas subject to the traumatic consequences of a high intensity earthquake, transition management will also make important contributions to dealing with problems more directly associated with climate change. In the shift from the current planning system to a different model of territorial governance, the intensification of the effects of climate change charges public policies with the task of securing settlement systems from dysfunctions due strictly to a decision-making process operating under evidently uncertain conditions.

Besides viewing transition management as a tool to guide local administrations towards a different destination, the move to a new planning model can naturally rediscover strategic governance to be an approach strictly functional for the need to promptly update the current regulatory framework on the local level. At the same time, the transition undertaken thus will have to allow the development of a long-term vision that will rebuild confidence in the future, securing territorial structures and settlement systems from risks associated with the presence of acute vulnerabilities (Talia, 2018, p. 61).

As we have mentioned several times, the expectations of strategic policies may represent an important bond between planning exercises growing out of emergency conditions and planning choices that intend to contribute more generally to territorial governance. In defining a point of connection between short and long-term solutions, decision-making processes referring to strategic aspects may constitute the most convincing response to the needs of territories affected by very quick, accentuated changes, whose overall development cannot be foreseen but which must nevertheless be guided.

In line with this basic approach, urban planning may definitively renounce a traditional conceptual and operational framework, which is based on the belief that the authority of the plan depends first and foremost on its ability to legitimize choices starting from a framework of rules and procedures, capable of ensuring a high degree of stability for the entire settlement system (Talia, 2020, p. 136). In claiming greater flexibility and adaptability for planning tools, a new period thus begins for territorial governance which is no longer a dependent variable of redistribution of wealth and economic incentives, but which is rather proposed as a strategic construct for a radical change of perspective.

A disciplinary shift of this type corresponds to the willingness to accept greater flexibility not only in managing uses in the existing city, but also in developing urban and territorial regeneration programmes for areas subject to the traumatic effects of natural and anthropic disasters. These areas must be allowed to convert their spaces and adapt their functions without necessarily calling into question the entire planning system still in operation.

In a period of transition characterized by uncertainties and risks such as the one we are currently experiencing, strategic planning — even with the limits and indeterminacy that still characterize it — can allow us to face the often radical criticism coming from the most diverse areas of the public sector without decreeing the substantial irrelevance of the urban plan.

This most likely implies the postponement of a radical reform of development policies and territorial governance to a now "pacified" phase, in which the complex transition that the contemporary society is going through - and which many commentators define as a sort of "interregnum" - will finally come to an end (Bauman & Mauro, 2015, p. 18). In the meantime, it will be useful to define new devices and procedures, even temporary ones, able to dictate flexible but transparent and highly performing rules from

the point of view of urban and landscape quality. In this perspective, the ability to mobilize new actors alongside the more traditional ones will be decisive, which together will contribute to the success of the experimentation of innovative procedures in the design and the management of sensitive territories and spaces to be allocated for collective use.

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