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Land-use planning “scandals” in Tuscany

Mismanagement or underestimation of
general public interests?

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1 Introduction

In Tuscany a significant number of land-use planning scandals have emerged in recent months and come to the public attention. Some are based on explicit, fraudulent mismanagement of public interests, but many others arise from controversial interpretations of public interest.

As one of the most highly regulated regions of Italy, having been ruled for decades by a centre-left coalition that was relatively innovative in advancing the autonomy of local administrations¹, as well as the formation of new democracy institutions², Tuscany is luckily less affected by corruption involving organized crime³, has (or rather had) a reputation for good government, and (so far) offers a quite liveable environment, recognized by national rankings⁴ as well as by collective images and tourist flows. The Tuscan landscape has become an international icon, also helping to sell its wines and oil, fashion industry, tourist accommodation and many other products.

Nevertheless, something seems to be going wrong now. Here too, much like in other Italian contexts, "the accommodation of territorial conflicts succeeds always less, as shown by the clashes surrounding the building of the High Speed Railway (in Florence), enlargement of the USA military base (in Vicenza) or new waste incinerators all over Italy" (Grasse 2008: 9). Also when managing more routine decisions, like new residential, tourist or industrial developments, local policy makers (both elected representatives as well as so-called civil servants/administrators) often seem to have lost the idea of what *good* public policies should look like.

Undesired outcomes, sometimes leading to scandals, are produced by several factors including: outmoded frameworks of social and political behaviour (the famous "red sub-culture")⁵ and often not highly educated local

1 Tuscany has been ruled by a centre-left coalition since the Regional Government has been set-up, in 1970. The first two legislatures (1970-75 and 1975-80), and part of the third one (1980-83), have been chaired by a Socialist representative; since 1983 up to now (VIII legislature, 2005-10) the President has always been a PCI representative, later PDS, DS and now PD. The anomaly of this coalition face to the National government has produced a strong emphasis, both political and technical, on local autonomies.

2 Within the Italian context, Regional law n. 67/2007 has been a forerunner in foreseeing public participation as a standard for public policies definition processes

3 Despite the 2004 Yearly Report by the regional branch of the environmental association *Legambiente* deals with "*ecomafie*", i.e. criminal organizations behind the treatment of waste.

4 Like those published yearly by *Il Sole 24 ore* and *Legambiente*, comparing the quality of life in major Italian cities.

5 The strong links, in local communities, between cultural attitudes, forms of economic development, associations of civil society and the political system.

politicians⁶; obsolete ideas of modernity used to legitimize private interests in public policy choices; bureaucratic organization.

The purpose of this paper is twofold. The first aim is to focus on a specific area of policy, land use planning, that is usually not so central to political science studies (and therefore not too deeply influenced by mainstream interpretations based on electoral behaviour)⁷, in order to be able to indicate how better public policies in this field could be produced. The second aim is a kind of heuristic suggestion, i.e. to bring fresh attention to land use policies as a way, in the contemporary world, to better understand the growing divergences in local wellbeing resulting from the interplay of globalization rules, political intermediation, and local policy choices. Too often investigated mainly in technical terms, land use policies represent a field where politics and policies are tight to each other: many choices involve relevant political stakes, and are consequently followed directly by politicians, although too often planners are asked to legitimise politicians' decisions in advance with the help of technical arguments. Not easy to be analysed⁸, this messy field requires a deep investigation not to take for good official representations of it. For this reason I have chosen to focus on cases I have directly experienced.

After an introduction describing the general Tuscan context, this paper will give an overview of conflicts concerning land-use planning that emerged in latter times, examine more in depth a few of them, focusing more closely upon two cases respectively in Montespertoli and S.Casciano Val di Pesa, and finally point out what can be learned from these examples of mismanagement in order to improve land use policies.

2 Commonsense, received wisdom and contemporary contradictions about policy making in Tuscany

Against the background of a national context which seems to be getting worse everyday, with a central State functioning in most cases like an old pachyderm, local public bodies that are struggling against routine budget cutbacks and a civil society that is less and less civilized, Tuscany looks like a happy exception, in many ways. The role of government is commonly interpreted by

6 Bound to party's decision for their social and professional promotion .

7 There is extensive literature on the red sub-culture and its electoral behaviour; less has been written about land-use planning in Tuscany (see bibliographic references at the end of this text).

8 I've tried to read some parts of it, with reference to the Venetian context of late 1990s, in Marson (2001).

its regional administration as a service to people, and in everyday life a sense of civiness is still evident. The regional government has been a forerunner in recognising the right of people to deliberate on key issues of public interest⁹, as well as the right of everybody, illegal immigrants included, to receive medical assistance¹⁰.

At the same time, while analysing specific policy areas in more depth, especially land-use planning and public works, the sense is that in Tuscany too the transformation has occurred from a system based on solidarity to a system based on interests, as described by Anderlini (1990) with reference to another “red” administrative region¹¹, Emilia-Romagna during the period from the late 1940s to the 1980s. The outcome of this shift in emphasis has been further exacerbated by a trend in the transfer of more assets from productive investments towards activities protected from global competition, especially real estate (for Tuscany see Baldeschi 2008; for Emilia-Romagna see Bonora and Cervellati 2009).

The political regime of regional governments controlled by centre-left coalitions, strategically oriented to sustain and promote jobs in industry and trade, now supports new real estate development, often presented as a source of new productive activities, but usually just offered on the market as designated new building areas or built volumes.

This change is quite recent, since the political regime typical of Tuscany, known as “*consociativismo*” was strong until the 1990s. Under “*consociativismo*”, the consociates were the (communist) party, trade unions, local banks and local governments, that were coupled with an economy based on productive districts¹². Consistent support was given to local systems and people, as reflected by the *Programmi regionali di sviluppo* (regional development programmes) of the corresponding, successive legislatures.

As globalization has speeded up, this model has degenerated (not without internal political fights) into a much less redistributive system, with governing functions more closely tied to specific interest groups. Many public services, formerly managed by municipal or intermunicipal agencies, have been

9 With regional law n. 67/2007, promoting participation processes in public policy making.

10 The “*pacchetto sicurezza*” recently promoted by the Italian government, goes in the opposite direction by linking medical assistance sought by illegal immigrants to the obligation of health workers to report them to immigration officials.

11 I.e. a region where left wing parties, from socialist to communist plus other minor political organizations, have traditionally held the majority of votes, and therefore led the government, both at the Regional and Municipal level (with some known exceptions among Municipalities).

12 It is not a coincidence that Giacomo Becattini, the well-known economist who applied Marshall’s industrial districts concept to local development in Italy, was born and lives in Tuscany.

transferred to the private sector, chaired by former mayors or other local politicians. Once in this position, these latter no longer answer directly to their citizens, instead they are obliged to obey what the party, or rather its business committee, tells them to do¹³. Citizens, while getting more and more angry, do not always have the courage to speak against local political powers when they are dependent on them for their jobs, but more and more people are protesting vociferously, seeing their living environment put under pressures by irrational choices (like the long and cumbersome tram designed to transit close to the Baptistry in Florence) or in any case do not consider their broad, stakeholder interests.

Local government has become so self-referential that the arguments against the high speed railway (TAV) tunnel under Florence, and the much cheaper and less intrusive surface alternative proposed by local associations with the help of the Town Planning Department of Florence University, have been simply ignored without any public debate of the choice taken in the so-called "public interest". Degeneration of political interests into financial interests¹⁴, not accompanied by a sufficiently strong business culture, and a recent infatuation for real estate speculation, now called "investments", is most evident as physical transformations of the territory, whose quality is menaced by a widespread consumption trend, some already built up, and much more building authorized by the latest generation of land-use plans¹⁵.

Tuscany has still a beautiful landscape, especially when compared with the unlimited construction stretching from Malpensa to Venice, or with southern regions that have been disfigured by illegal buildings, but its regional

13 Although at a first glance this issue has nothing to do with land-use transformations, many new public works proposed by former public services require huge new building developments in order to become profitable in terms of services supplied, and are at the same time presented as an opportunity for new developments: see for instance the "Tubone" project for the Empoli and Fucecchio zones, opposed by Legambiente, Italianostra and other cultural and environmental associations.

14 In the case of TAV public works tenders have been won by two cooperatives, *Coopsette* from Reggio Emilia and *Coestra* (Etruria Group, Legacoop Toscana) both chaired by people strongly related to former communist party interests. These big groups are just formally "cooperative", i.e. single associates do not have any weight in the management of the group, which is managed by the company directors. Moreover chairmen usually do not come with a business background, but are often linked to political parties.

15 Although many recent land-use plans declare zero consumption of rural land for new building development, this often hides the potential for huge developments provided for by previous land-use plans that have not yet been realised, even when the new regional law gives municipalities the power to cancel previous development rights when they have not yet been used up by land-owners within the specified time frame according to the validity of the preceding land use plan.

government still seems not only ineffective in tackling the processes so far described, but in many cases it has been pro-active in promoting them.

Common images still reflect a Toscana *felix*, that is often a location for advertising different products and people, an ideal place where everybody would like to live; the Chianti area has been for some years jokingly renamed "Chiantishire", since plenty of more or less famous people, mainly from the anglo saxon world, moved here for life or regular holidays¹⁶.

Its landscape has become and is still generally considered a kind of icon for the results of good government, il "*buongoverno*" (at least in comparison with other parts of Italy) recalling the famous XIVth century fresco by Ambrogio Lorenzetti still preserved in Siena's *Palazzo del Popolo*.

The conventional view is that this good government is mainly attributed to the historic hegemony that left-wing parties have had in the region at least since the second world war, without considering how these political parties have meanwhile changed their values and, together with this, their cognitive horizons and their practices.

Although there is no longer any "*rendita di posizione*" (gain deriving from previous positions held) for centre-left coalitions during elections¹⁷, the last administrative elections (June 2009) produced a general¹⁸ confirmation of central-left coalitions in Tuscany, in contrast with the national context, showing how this electoral capital presents severe signs of exhaustion, but is not yet totally extinguished.

At the same time, just a glance at Tuscan landscapes today reveals that the iconic value of the territory as the product of good government has

16 A long-term tendency, as in the second half of XIX century when foreigners living in Florence amounted to about one fourth of the total population, with the English community as the most represented. A good number of Englishmen/women established themselves in the region, also through marriages with Tuscans, introducing English style gardens into many historical villas.

17 In the past decades the local political and social systems have been the object of many studies (Triglia 1981, Bagnasco e Trigilia 1985, Baccetti 1987, Ginsborg e Ramella 1999, Caciagli 2001 and many others more object or area specific) investigating specifically the characters of the peculiar political "red sub-culture" of this region. Today it is not so clear whether that mix of "*appartenenza*" (belonging) and "*voto di scambio*" (votes for favours) has shifted towards a stronger weight of interests, or rather of opinions (probably it has followed both gradients). What seems clear is that "the" party (now the PD – *Partito Democratico*) can no longer candidate any functionary whatsoever and automatically win the elections with a large majority, as used to happen until a few years ago. Voters now evaluate more carefully both the person and the programme, as well as the coherence between the two.

18 With the remarkable exception of Prato municipality, the textile industry town where the economic crisis and Chinese immigration have reached record levels, where for the first time in 60 years the centre-right candidate won the ballot.

suffered quite a lot already. In order to understand what has gone wrong in the relationship between public policies (still presumably good, and at least better than elsewhere), public bodies and territorial transformations, a closer view of land-use issues in specific locations can be revealing.

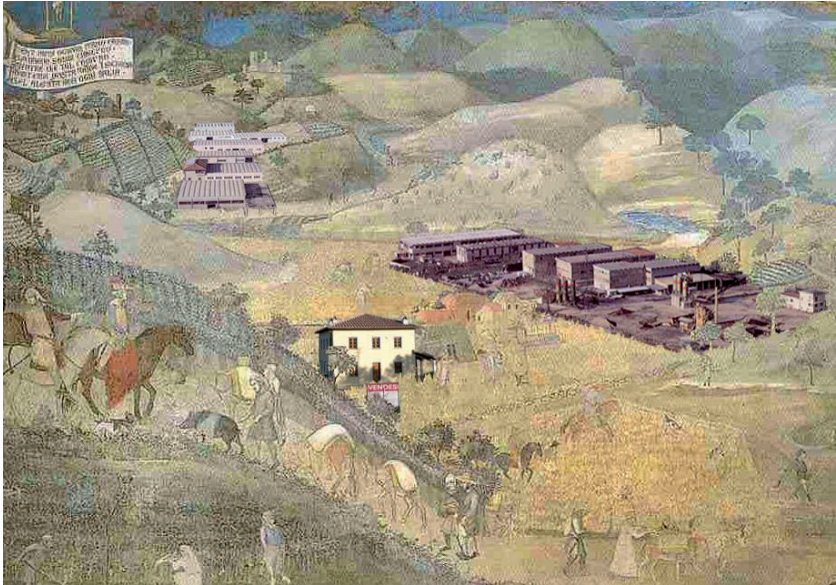


Figure 1: Ambrogio Lorenzetti: Gli effetti del buon governo in campagna (detail of the fresco in Siena) in the background; in the foreground, images of contemporary developments.

3 Contradictory evidence of good government: recent planning scandals

The built environment which has been developed during recent years is not always worse than the morph typologies of many public housing and public works projects carried out since the 1950s, whose standard modern style buildings had a destructive impact, especially on hill landscapes.



Figure 2: View of Montespertoli from San Pietro in Mercato.

What was wrong in the 1950s and 1960s was definitely lower sensitivity to landscape values, rather than the very nature of public policies, which aimed at redistributing welfare and were effective in doing it.

In order to get new houses, often publicly owned or at subsidized prices, ordinary people were not particularly concerned with landscape, or its preservation and new production. Many were peasants to whom landscapes brought memories of hard work, which could be happily overwritten by new models of (industrial) salary work and modern living.

Even large landowners, in many cases local nobility living at the centre of their rural estates for centuries, often shared this “progressive” model, selling or donating land to local developers or municipalities for building new low-cost housing for peasants and artisans who formerly worked for the “*villa-fattoria*”¹⁹. Their only concern was that the new building developments were not within the “*bellosguardo*”, the beautiful scenery to be seen from the villa.

19 “*Villa*”, in the Tuscan system, following the late XVII early XVIII reform promoted by the *Accademia dei Georgofili*, is not just the residence of the lord, but the centre for the transformation of rural products, especially wine and oil.

This kind of arrangement persisted for years without major changes, except that the new housing developments started responding less and less to social purposes, while the rural landscape was increasingly perceived as an asset (both economic and intangible) in peril.

Today, among new “routine” developments, greater sensitivity to the environmental context can be seen both in building quality and in site planning and design. A wider consciousness of what might be called a collective “right to landscape” has gained new space, often fitting (unconsciously) with the guidelines fostered by the International Landscape Convention²⁰, that are too seldom applied by territorial institutions when planning land-use transformations.

The new inhabitants of the countryside or not yet fully urbanized contexts, having escaped from the suburbs, are ready to fight against their new surroundings being transformed into suburbs too. The grandchildren of peasants are starting to recognize that the countryside they have regained is much better than many urban neighbourhoods, in many respects. Thinking people, not necessarily intellectuals, question the need for further development in the context of demographic and economic stagnation, or even actual economic recession.

On the other hand, local governments and regional politicians continue their policies as before, more pro-(real estate) development than ever, so that in many cases they look like “coalitions for growth” (politicians and business people) rather than coalitions for the collective welfare, which is how they try to present themselves to voters. A few new public housing units, or protection of jobs in the building sector²¹, are often used as an argument to legitimize huge developments for the market, with real estate prices reaching levels that are unaffordable for people with normal incomes.

In latter times, Tuscany has become a pretty peculiar place since its centre-left government has been attacked by a network of local civic associations – *Rete toscana dei comitati per la difesa del territorio*²² – struggling against extensive territorial transformation, usually new developments. According to local politicians these developments are of minor impact, or of great positive

²⁰ Ironically signed in Florence, almost ten years ago (2000).

²¹ An argument often used by left-wing politicians, like *Assessore* Conti (in charge of town planning and public works, *not* economic development and employment) in his speech to the Regional Council (seat n. 173, May 5, 2009): “few care about builders’ jobs as much as this region’s government”.

²² Promoted by Alberto Asor Rosa, this network maintains an excellent data-base of controversial land-use transformations in Tuscany: www.territorialmente.it.

advantage, while for the committees they represent market-led (or *brasseurs d'affaires*²³ led) bad developments.

The case of Monticchiello, a beautiful medieval small town in the southern province of Siena, is a case in point. This is “one of the most picturesque villages in the heart of the Val d’Orcia” according to tourist brochures. Yet a new semi-detached housing development has been authorised close to the old castle and historic centre.



Figure 3: In the foreground, the controversial Monticchiello development, the historic hamlet and its castle are in the background.

What is the issue? Besides the inappropriate location of a brand new land subdivision, within view from the castle and its historic village, the suburban building styles, the too large access road etc, this new development was initially presented by the local government as “houses for local young couples”²⁴, a kind of social housing to be sold at fair prices in order to satisfy local housing needs. In a few years, the project has changed into a tourist development of 96

23 This expression has been used by Paolo Baldeschi (2008), with regard to Florence municipality politicians, civil servants, and consultants involved in the “Castello affair”.

24 See www.toscanainfelix.org mappa delle emergenze territoriali, Pienza (SI): lottizzazione a Monticchiello.

apartments to be sold at prices well beyond the possibilities of local couples. This development can currently be found advertised as “*residenze esclusive*”, on offer from € 3,750 to 5,500 per square meter²⁵, under the fancy name of *Casali di Monticchiello*, hinting at ancient rural buildings.



Figure 4: The real estate advertisement for the new Monticchiello buildings.

The critical point at which this case became a “scandal” seems not to be fully understood by regional politicians²⁶, who – often quietly, at other times loudly – have defined it “a laughable case”. Alberto Asor Rosa, a well known

25 On www.case.trovit.it/tetti-in-legno-lamellare Monticchiello (Pienza), under the following advertisement: “A due passi dal borgo medievale di Monticchiello ed a pochi minuti di strada da Pienza, in uno dei luoghi più suggestivi della Toscana vendiamo residenze esclusive di metratura variabile dai 60 ai 200 mq con balconi e giardini, posto auto e garage. Le abitazioni presentano rifiniture di elevato livello come: pavimenti in cotto toscano, finiture esterne in pietra naturale ed intonaco colorato in pasta, solai in legno e cotto, tetti a falde con coppi toscani, infissi e porte in legno massello e lamellare, portoncino blindato. I prezzi vanno da 330.000 a 750.000 Euro a seconda della metratura e della posizione. Possibilità di mutuo e pagamenti personalizzati.”

26 For sure this attitude is partly accounted for by the poor CV of most politicians, with not much background culture nor professional experience, so that they do not perceive some critical issues as relevant. In any case the Party and its governing lobby, which has been responsible for their social promotion, is more important than any common sense or civic culture consideration. Both the Regional Government and Regional Council, despite some exceptions, are representative enough in this sense.

intellectual who often writes articles in the national newspaper *La Repubblica* and owns a house in Monticchiello, has led the revolt against this housing development, which has helped attract attention to this case.

A fairly significant number of other real estate developments in Tuscany are currently under scrutiny by the *Magistratura* (legal courts), for problems ranging from anomalous authorization procedures to vested interests and even fraud: in Florence, Argentario, Elba, Arezzo and Montespertoli, just to mention the most recent and important cases.

It is not just a case of different levels of concern for the landscape, or of conflicting cultures regarding the territory and its uses. Something more substantial is going wrong here. According to the words of Riccardo Conti, Regional *Assessore* for Town Planning and Public Works, "[in Tuscany] there is more town planning than in other regions"²⁷. Therefore, these outcomes are not produced by chance, but by a procedural rationale which appears to be not only ineffective, but somehow perverse (counter-productive). Public rhetoric and formal procedures are all set within a framework planning rationale, but in practice the results are questionable. A number of observers have publicly expressed hard evaluations like these:

"The case of Piana di Castello [Florence] is exemplary of a certain type of urbanisation which questions the extent to which politics and the public administration can relinquish sovereignty to private developers" (Alberto Asor Rosa speaking at the *Ferrara, Città Territorio Festival 2009*).

"The latest vicissitudes regarding the Castello project [...] (1.400.000 mc on 186 ha) suggest more general reflection on territorial governance in Tuscany [...] [T]he striking thing is not so much corruption suspects, which must still be demonstrated, [...] [but that] [...] Florentine public administrators, in primis the *assessore all'urbanistica*, operate like 'brasseurs d'affaires', practically dependent on Salvatore Ligresti, who, by the way, is not the best example of the already poorly represented home-grown capitalism." (Paolo Baldeschi, "Macerie della politica sotto il progetto Castello", www.eddyburg.it, 28.11.2008)

Why should citizens support public planning if the benefits mainly go to real estate developers and their mediators? Whatever happened to planning in Tuscany?

27 Seat n. 173, May 5, 2009 of the Regional Council; Riccardo Conti speech quoting a regional councillor. Translation from Italian by the author.

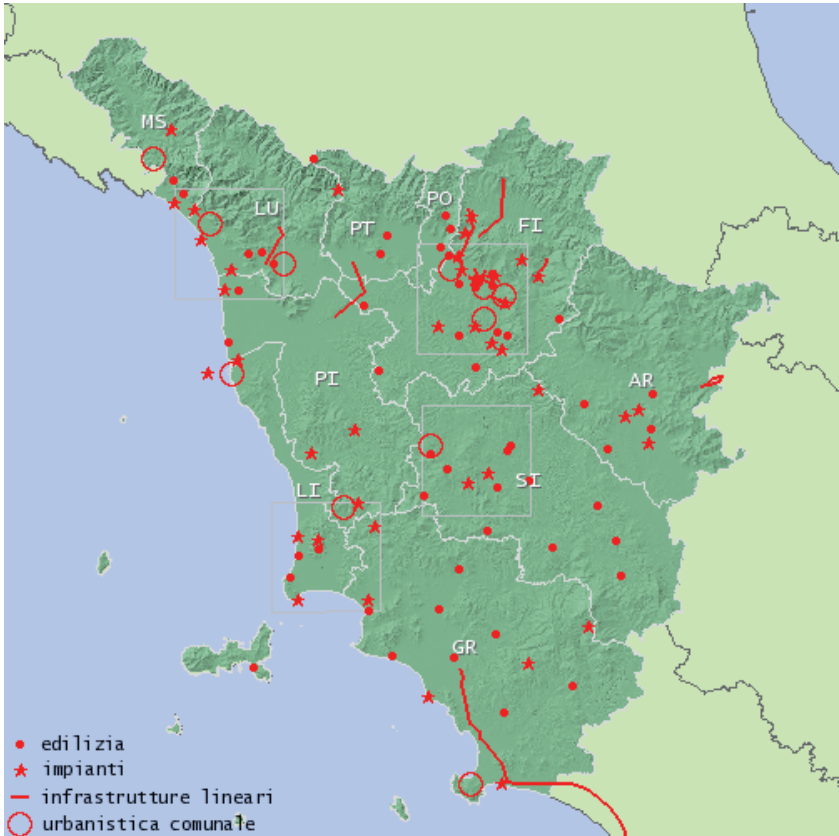


Figure 5: A map of Tuscany Region. In white colour, borders and initials of the 10 Tuscan provinces; in red, bad practices in town planning, building, and public works described by the *Comitati toscani per la difesa del territorio*: (www.toscanainfelix.org)

4 A highly ambitious but shabby kind of innovation: strong local autonomies with poor bottom-up participation

Since 1995, town planning and land use policies have undergone radical change that was meant to bring “the closure of a cycle characterized by pervasive and intense expansion”, “officially determine how Tuscany should find in its

territory and in its resources its main factor of collective identity” (Morisi and Magnier 2003: 8). This change has been accomplished through two successive laws, n. 5/95 and n. 1/05, and a number of regional plans, among which the new PIT (*Piano di indirizzo territoriale*) 2005-2010 has played a key role.

Law n. 5/95 is considered to be a valid and positive innovation, in academic circles, for introducing concepts like the “statute of places” and the “*invarianti strutturali*” (structural invariables), thereby making it essential for a wider and more explicit knowledge of the environmental and structural contexts within which land-use transformations are planned (Cusmano 1996; Magnaghi 2005, chapter 7). Less attention, albeit mostly positive, was given at the time²⁸ to the new autonomy for municipalities in designing and approving their land-use plans without any formal inquiry procedure run by other institutions.

With regional law n. 1/05, planning procedures have been further modified, completing the change from the previous more traditional town planning system, where powers were balanced by counter powers, including a collegial technical advisory component²⁹ on every land-use planning proposal, to a system of formal autonomies among the various territorial levels.

Lastly the PIT 2005-2010, approved in October 2007, meant to bring “an innovative season for public policies made by the regional government [...]. A season showing new urgencies and new long-term visions, since the historical phase expressed by law n. 5 of 1995 is behind our shoulders”³⁰.

The emphasis in communicating the new course of action is placed on the transformation from “town planning” to “*governo del territorio*”, i.e. a stronger interaction between the different sectors of public policy affecting the territory, which of course is a highly desirable aim, although this enunciation of the previous system has been totally dismantled without introducing new tools capable of guaranteeing a fair trade-off between different sectors’ projects and decisions. Moreover what might be called the regional master plan (the PIT), i.e. the plan which rationalises the diverse governance practices by envisioning a common scenario, gives no practical indications of local development objectives for each territorial system of the region, as it used to

28 The mid Nineties were the years when the Mayors’ movement, i.e. a wide nationwide group of mostly young mayors, was asking the State for more resources, first of all power and secondly money, for local institutions. Within this debate, the shift of powers from the regional to the very local administrations was interpreted by many as a progressive step, a pre-condition to effective citizens’ participation.

29 Given by a Technical Committee operating at the regional level.

30 The text, translated by the author, is an extract of the official presentation page of the PIT by the Regione Toscana government, to be found on www.rete.toscana.it/sett/pta/territorio/pit_2005_2010/index.htm.

do, declaring that in order to avoid stagnation in the regional economy, it just adopts instruments to promote “openness, dynamism and quality of regional development”.

Given the global economic situation, openness to any development proposal seems to prevail both on selection of quality initiatives and on coherence with the so-called “*Statuto del territorio*”, which in a schematic way means fitting the development proposal with the specific characteristics of each place. The new PIT renders useless the role of the structural invariants and the statute of places, as unique characteristics which should condition the transformations, making the agenda and statutes fit together (P. Baldeschi/ A. Magnaghi 2007).

Leaving municipalities to single-handedly apply “openness and dynamics” does not help them in selecting development proposals, which in most cases are just short term operations. The Region retains its arbitration power, exercised on a discretionary basis, over Municipalities that have formally acquired full competence both in proposing and approving their land-use plans. In theory this looks interesting, in practice it produces very poor results.

The fact is that, during the last two decades, Municipalities have reduced their governance structure to the level of the Mayor, a Mayor, in turn, who is victim of budget cuts by the State, and subject to the relative power of corporate public utilities (often run by former Mayors). Hence Municipal Councils have retained very few operational functions, and the components of the “*giunta*” (governing council, chosen by the mayor, analogous to government ministers but at the local level) are strongly dependent on the Mayor as well. Effective public participation initiatives are still very rare, and even among the few examples of good practice³¹ the public is usually kept away from the true issues regarding land-use transformation, which get decided in much smaller and closed rooms.

Evaluation, this novel kind of “abracadabra” for making sound public policies and plans³² in the context of procedural rationality, is supposed to guarantee better results than the old style substantive rationality tools, yet is applied in an inadequate way, since it is not process-oriented³³, not

31 A good process, still underway, is in Montespertoli, where somehow, despite the Municipal administration, there is strong stakeholder involvement partly via the regional administration and partly through volunteers from the Planning programme of Florence University (see paragraph 5.1). For more information and reflection on participatory practices in Tuscany see Paba *et al.* (2009).

32 Codified as SEA, Strategic Environmental Assessment; in Tuscany “*Valutazione integrata*”.

33 I.e. it does not follow the entire planning process, from beginning to end, but is usually done *ex post* as a rhetoric exercise, or at the very beginning of the process as a listening activity, and in any case not at the very moment when new building developments are shaped.

participative³⁴, not independent enough³⁵, pretends to be "integrated"³⁶ when often it does not even meet the basic criteria of environmental assessment.

A number of cases demonstrate how the regional government implicitly suggests to local administrators which professional consultants to choose for land-use planning and evaluation, so that even when the selection process goes through public tender, excellent professionals can be excluded on the basis of dubious judgements³⁷.

But where do these innovations in policies come from? What are their reference models? The poor regulation of financial markets, which everybody now acknowledges has been responsible for the worst world crisis since 1929, has represented in latter years "the" model for many policy domains. Here in fact we can find the same unclear relations between controller and controlled, between rule setters and rule transgressors, in an atmosphere of total opacity to the general public, i.e. to common people of savers and investors, deceived by a majority of big banks and investment companies. And at the base of

34 Since it is usually done in a bureaucratic way, without interacting with environmental groups nor with the public at large in an open and communicative way, and at the various different stages of its development.

35 Often the same people in charge of designing the plan are appointed to evaluate it, or this is done by a restricted number of people in charge of many other plans within the region.

36 Regional Law n. 1/05, introduces an evaluation stage supposed to integrate environmental, social and economic criteria, replacing purely environmental assessment. But a truly integrated evaluation requires much more work, comprehensive databases for the territorial entities under consideration, i.e. very accurate environmental, social and economic data at the municipal level, and the validation of trade-offs between these diverse sets of data. In practice, a huge research job so far not at work.

37 A good example is the competition held in May 2008 for the revision of *Empoli Circondario* (a sub-unit of Florence Province) land-use plan. The application presented by Alberto Magnaghi, a well known planner at the national level, founder and head of the Master's degree in Land-use Planning run by Florence University in Empoli, and among the best known theoreticians and experts of participatory policies in town planning at the international level, besides being a promoter of the regional participatory law (Law n. 69/07 mentioned above) through the *Rete del Nuovo Municipio*, was dismissed in favour of architect Silvia Viviani, "because of her superior experience in participation"! According to her online CV, she has simultaneously carried the roles of civil servant in Orbetello Municipality, and responsibility for four "*Piani strutturali*", seven "*regolamenti urbanistici*", three revisions of provincial or sub-provincial plans (formerly made by well-known planners), six evaluations of diverse land-use plans, nine plans for specific sectors. Besides the effects of having civil servants working on other (and too many) municipal plans, such a concentration of responsibilities and roles is not normal, and goes well beyond professional capabilities of a single person. Despite the frequent declarations of transparency, public competitions etc., it is evident that a restricted number of people has its hands in many public plans, while many others equally or more qualified may occasionally be called to do some planning work. In other words, the allocation of assignments seems to be planned, as an indirect and implicit way to maintain control of their outcomes.

the financial bubble we find, what a coincidence, a too steep acceleration of real estate development and prices, through a too easy system of granting mortgages. In this field, it is well known that evaluation was a mere formality, with evaluators paid by their counterparts to raise the value of properties.

In a world led by global finance, this cannot be too much of a surprise. What perhaps surprises more is the infatuation of left wing politicians for playing the financial markets, which has been well documented³⁸ despite, in many cases, an astonishing lack of experience underlying their desire to practice in this field. Furthermore, they have a tendency to throw away old policies before adequate experimentation of the new ones has been done.

The lack of reliable forms of evaluation accompanying the introduction of new policies is an important point. In the USA, evaluation has been codified as a public policy tool, and been selected as the most appropriate accountability instrument in a federal system (Stame 2007), i.e. in a system where every territorial level of the public sphere operates with a high degree of autonomy in policy design and implementation. Therefore, when Tuscany chose to innovate its planning system, with special reference to land-use planning, by giving a high degree of autonomy to Municipalities, it should have tied this autonomy to a specific accountability system, i.e. sound evaluation processes that are open to and participated in by the public.

Instead of this, the Regional government has retained for itself a paternalistic power to interfere, not always formally, by suggesting consultants, procedures, even contents and solutions. A style from the past, when the former socialist and communist parties, advised by some of the best intellectuals of the time, while being effectively participated by party militants, acted in this way and produced mostly fair or at least adequate outcomes. This is unlike today, when intellectuals without specific stakes have disappeared from these parties, militant involvement is strongly reduced, debate is just a mirage, and the stakes usually consist of material gains to be shared among a few.

Participation, in this cultural context, is understood by many to be debating within an almost deserted party, while the business has already been decided between a few stakeholders.

Seen in this perspective, it is clearer why an innovation that on paper might have seemed positive has, in its implementation, been shown to have perverse effects, worse than those produced by the former planning system.

38 Due to several efforts to control bank assets through people who are faithful to the interests of the party, as well as to the willingness to transform municipal utilities into private enterprises.

It is well known how any law or procedure depends for its effects on the cultural interpretation of written norms, as well as on the expected political outcome and consequences.

In this regard what can be noticed is, above all, a "cultural" gap between the complex field of planning according to the disciplinary discourse, and the planning objectives stated by the regional administration's official communications.

What follows here is a summary of an extract from the new web pages about the "*Governo del Territorio*" by the Regione Toscana (www.governodelterritorio.it), found on www.intoscana.it, official site of the Regional Government, on June 22, 2009:

"The official web page, promoted by Regione Toscana and its Department for Town Planning, Infrastructures, Roads and Transports, Housing, proposes innovations and news about: Tuscan roads and motorways, plus every regional transportation infrastructure; government of the territory (illegal building works eligible or not for conditional regularization or pardon), and all proposals advanced in this field."

Synthesizing: ... new roads and motorways; illegal building works eligible for conditional regularization; new building developments proposed by various promoters... are presented as the core of public planning policies, according to the official vision of Regione Toscana.

The situation might be defined as embarrassing for anyone with a good planning understanding, so that even an academic, and former member of the regional government³⁹, has published an elegant but strong attack of current planning in Tuscany, with reference to the case of Florence's new structural plan (Zoppi 2007).

According again to Baldeschi (2009), this is just the latest stage of a regression that in the case of Florence was already evident in the Sixties, when the land-use plan designed by Detti for Mayor La Pira⁴⁰ was quickly dismantled because it was based on public-led developments, while neighbouring municipalities governed by communist Mayors left much wider room for private interests, with very little regard for collective wellbeing (Baldeschi 2009).

39 Mariella Zoppi, planning professor at Florence University, from 2000 to 2007 *Assessore* (Minister) for Culture within the Regional Government presided by Claudio Martini.

40 Christian-democrat, Catholic, a champion of peace and human rights, in many ways Giorgio La Pira is considered the most important Mayor of Florence.

According to the official declaration, the new direction aims to strengthen the effects of public government in order to produce greater collective wellbeing.

A way to verify if general policy statements, as ambitious as those found in Morisi and Magnier (2003), or even more in Conti and Morisi (2005), where the declared aim is to strengthen public government through procedures involving "not just institutional actors, but all those who, thanks to their competences and technical, normative, cognitive resources, can bring effective knowledge [...]" (Conti and Morisi 2005: 13-14), are just rhetoric⁴¹, is to analyse in depth a number of specific examples⁴². A similar method was followed by Paolo Baldeschi, Claudio Greppi and Paola Jervis⁴³ when presenting an official observation to the new landscape integration to the PIT, where general statements are compared with specific critical cases from the territory, revealing a good deal of incoherence between analysis and provisions, or even between both these and current projects in the areas involved⁴⁴.

5 A closer look at two specific examples, in order to better understand how current land-use planning works

Among the many cases of Tuscan municipalities where scandals have emerged in managing land-use transformation and "development"⁴⁵, I have chosen to describe two cases of which I have been a direct observer⁴⁶, Montespertoli and San Casciano Val di Pesa, involving two small-medium size municipalities

41 A recent trend in land-use planning, but also in other public policies, is the use of general rhetoric statements which are exactly the opposite of effective provisions.

42 I do not call them case studies since this would require a much more systematic analysis of all the diverse points of view, whereas I concentrate on those expressed by the local committees; see Gelli (2002).

43 Baldeschi teaches land-use and landscape planning at the University of Florence; Greppi teaches Geography at the University of Siena; Jervis is an architect with experience in international cooperation and wide-area planning.

44 See P. Baldeschi, C. Greppi and P. Jervis, Osservazioni al Piano paesaggistico della Regione Toscana, September 5, 2009.

45 I write the word development between inverted commas, since it usually refers to new settlements, also when these implicate the destruction of previous landscapes, often countryside designed and improved over centuries. Therefore in many cases the so-called "development" consists in transforming rural allotments into a much more simplified suburban subdivision.

46 Colleagues and friends who have been involved in many other interesting cases will forgive me, but in this way I feel more confident with all the assumptions I will make, based both on first-hand experience and on written reports by local associations fighting against the proposed developments.

which are close to each other but pertain to two different administrative territorial organizations⁴⁷.

Montespertoli is currently going through a judicial inquiry concerning the way its offices have handled a large number of building permits in rural areas without regard for planning provisions and proper procedure. In S. Casciano a controversial new industrial development is underway, although a number of environmental associations have appealed against the procedure through which the land-use change was approved.

What emerges as a common theme is the strong lack of open information and public participation throughout the process of territorial transformation, with some role played also by the Regional administration, whose actions do not seem aimed at promoting more sustainable outcomes but rather to legitimize projects that do not respond to the broader interests of many inhabitants.

5.1 Montespertoli

In Montespertoli, described by tourism web pages as "a jewel in Chianti"⁴⁸, the ongoing legal enquiry concerns about one hundred building sites, where rural buildings have been demolished and rebuilt, heavily transformed, or even built from nothing⁴⁹, into villas or other kinds of residences, in the absence of compliance with town planning regulations, and without following the formal procedures stipulated for changing planning provisions. People under investigation are all professionals, either civil servants or private sector technical experts, although it is difficult to think that such a high number of buildings, in a relatively small municipality, can escape the view and the knowledge of both the Mayor and the "*giunta*"⁵⁰ (governing council).

In fact, all these politicians were perhaps too occupied by another project, regarding the extraction of CO₂ from the soil, that is so controversial that an

47 Montespertoli is part of the Circondario Empolese, a second level intermunicipal entity delegated by the *Provincia di Firenze* to manage the bulk of provincial finances destined for the area. S. Casciano Val di Pesa does not formally belong to any intermunicipal body, but is usually considered part of the Florence metropolitan area and shares many responsibilities and networks with other northern Chianti municipalities.

48 See for instance www.yourwaytoflorence.com/montespertoli.htm.

49 In fact, some of these buildings did not exist before; others were hundreds of meters further downhill and have been moved to places with a better view, etc.

50 The outgoing Mayor, whose term expired last June, started her Re-electoral campaign, but soon retired (presumably persuaded by her party, *Partito Democratico*, so as not to ruin the chances of a better candidate).

association of local residents (named AMAT) was set up to fight against it⁵¹, and is still active for this and other more general aims. The place where the extraction is planned, and where some exploratory drilling has already been carried out, is locally known as “*acquabolle*” because there are bubbles below the surface of the water, and since 1999 this area has been recognized as a geo-biotope of naturalistic and scientific interest both in the municipal and provincial land-use plans. Since Montespertoli is a town with a high number of historic settlements and hamlets that developed at the intersections between the main routes, even “*acquabolle*” is quite close to a village, Baccaiano.

In spite of this zoning to preserve the natural heritage, and its closeness to inhabited buildings, in 2002 SOL Spa, an international company owned by Mr. Fumagalli (who was identified by local activists as a former DS candidate for Mayor in Milano⁵²) presented a plan to carry out exploratory extraction activities. The project was officially presented to the public by technicians from the company with the Mayor’s participation. Subject to an Environmental Impact Assessment, the project was evaluated positively by the Municipality regarding both the exploration phase as well as the following extraction phase.

Notwithstanding of this level of local support, the first *Conferenza di servizi* (in 2003) involving other departments of public administration produced a negative environmental assessment, suggesting that SOL should look for other less sensitive areas to exploit. Nevertheless, the Municipality changed its land-use regulations in order to permit CO₂ extraction activities in all types of geo-biotopes. In the meantime, SOL appealed against the regional administration, and claimed for damages. A second *Conferenza di servizi*, at the end of 2003, expressed a favourable evaluation of the environmental compatibility of the project, qualified by 24 prescriptions.

In 2004 drilling began, and local residents discovered that there was a mining extraction permit for the area. The Municipal Town Planning Commission legitimized the change in land-use category of the geo-biotope from a rural, protected area into a building zone.

51 AMAT, acronym of *Associazione Montespertoli Ambiente Territorio*, has its own website (www.amat-montespertoli.it) where a longer and more detailed history of the “*acquabolla*” case can be found. I have used this source, together with Toscana Infelix website, and my personal experience of this process, like attending the SOL project official presentation in 2002.

52 See for instance the blog *vedo-sento-parlo*, where an anonymous writer, with the nick name *disilluso*, hypothesizes favour-exchanges between the former candidate and the local party, formerly DS, now PD: <http://vedo-sento-parlo.it/blog/?p=55>.

In 2005 the Mayor stopped the works due to the violation of assigned prescriptions, and the Municipal Council expressed a negative judgement on continuation of the exploitation. SOL wrote a letter threatening to ask the Municipality for monetary damages for the interruption of research activities, and when the case was dropped SOL appealed to the Regional Administrative Tribunal (*Tribunale amministrativo regionale*/TAR). In 2006 even the Regional Council voted against the project, pledging the regional government to reject it. But the regional government signed a "*protocollo d'intesa*" (outline agreement) with SOL, just adding some inconsequential mitigation measures. In 2007 a new motion proposed by the political opposition of the Regional Council asked the government not to underwrite the legal agreement with SOL. Since then, the project has been frozen, somehow.

In the 2009 local elections, besides centre-left and centre-right coalitions, a third civic list showed up for the first time, presenting candidates from among AMAT activists. This group obtained almost 27% of the votes. The centre-left coalition was reconfirmed with barely 40%, compared with almost 62 % in 2004 elections.

It is not yet clear how the case will end, but this experience is nevertheless exemplary in many negative ways, as detailed below.

How was it possible for local government to support a private-sector exploitation project⁵³, even while the regional branch of the National Research Council (CNR) was still studying the CO₂ source, and both the Municipal and Provincial administrations had written in their plans that the area was protected, to the point that no building or any other intervention was permitted?

Local residents contacted officers in the regional and provincial departments for environment and town planning, to alert them to what looked like a mistake by the mining offices. But all those contacted refuse to stand against the plan, while the National Research Council researcher who was studying the site disappeared, probably moved to another office and research task.

Observations relating to the company's Environmental Impact Statement, presented by local environmental and civic associations, were dismissed by the Region, so that the appeal to the TAR was their last chance, with few hopes of a fair judgement since it is well known that regional administrative courts often tend to favour the position of respective regional governments⁵⁴.

53 In this case, not to mention all the other negative factors, monetary gains for the local community, as well as for the Region, was almost negligible.

54 Luckily this has not been the case with this appeal. End September 2009, when this paper was already written, the announcement came that not NGOs but some landowners had won their case before the regional administrative court, so far stopping the drilling permit.

The various levels of public government offer no space for open political discussion and seem to change their position, pro or against the project, like the playing cards in the Alice in Wonderland croquet game!

At the end of 2008, when local elections were just around the corner, drilling work stopped: presumably not to destroy the chances of the centre-left coalition being re-elected in the Municipality.

The outgoing Mayor won the primary elections, but was obliged by her party⁵⁵ to retire shortly after. Although no legal action was taken against her, this was because of the building permits affair. Her place was taken by a very young candidate of the same party who had not gone through the primary.

In the meantime, revision of the existing land-use plan has started under a special remit from the regional government due to the out-of-date state of its planning instruments, having been approved before 1995. Massimo Morisi, a political scientist who played the most significant technical role in framing the PIT⁵⁶, was named *garante della partecipazione* (with responsibility for ensuring public participation) for the new *Piano Strutturale* (Master Plan) of Montespertoli, which had been assigned to the same architect who was planning consultant to the Municipality for the past twenty years⁵⁷, while evaluation of the plan was entrusted to an already mentioned⁵⁸ consultant who works extensively for various branches of Tuscan authorities.

Local environmental and civic associations, from *Legambiente* to AMAT, with the help of the Town Planning programme of Florence University⁵⁹, volunteered for the official participation process, promoting a number of "parish maps"⁶⁰ workshops during summer 2008. As often happens the participatory timetable had been fixed by the Municipal government with a very short timeframe, with the aim of getting the new plan approved before the elections. Instead the explosion of the building permits scandal halted the approval procedure, which is still far from being accomplished.

55 PD, *Partito Democratico*. The party is the product of the fusion between *Democratici di Sinistra* and *Margherita* (former left wing Christian Democrats), still in its embryonic phase, without a clearly structured organization.

56 As well as in framing the *Governo del territorio* reform (see bibliography). Morisi owns a house in Montespertoli.

57 Raimondo Gramigni, Interstudio Firenze srl.

58 Silvia Viviani: Paba *et al.* (2009).

59 Chaired by Alberto Magnaghi, who is also resident in Montespertoli.

60 This is the original English name for local maps made by residents with the help of local artists, architects, etc.; in this case the reference to parishes was just symbolic of communities held together by sharing the same living place.

5.2 San Casciano Val di Pesa and the new Laika

Closer to Florence than Montespertoli, famous for Machiavelli country retreats (in S. Andrea in Percussina, where *The Prince* is supposed to have been written) as well as for the nearby Guicciardini family villas and castle⁶¹, S. Casciano Val di Pesa can be described as an icon of the Florentine Republic "*campagna*".

Within this context, at the bottom of the Pesa valley between the hill settlements of S. Casciano and S. Pancrazio X c. *pieve*, along the river, HYMER AG, a German based multinational producing campers and caravans under its own brand plus a number of other labels, Laika included⁶², has recently obtained the permit for transforming 11 hectares of rural landscape into a 326,000 cubic meters industrial building.

Both the substantive and procedural aspects of this decision are worth discussing, although they were not strong enough for a successful court appeal against the development⁶³.

Let's start from the substantive aspects related both to the social utility of this new development and to the physical location.

Concerning the social utility, it involves moving an existing productive activity from a nearby zone, the Sambuca industrial zone in Tavarnelle Val di Pesa. Here Laika occupies three different buildings and obtained⁶⁴ permission for, and built, a fourth larger building, which so far has never been used. Laika provides jobs to about 250 workers with no great prospects for growth, since a number of interim workers have been already reduced (in 2007), 35 workers have been notified of imminent redundancy (2009), and as far as is known the Municipality and other public institutions involved have not negotiated any guarantees for long term employment levels, or other public benefit, in exchange for the land gain (*rendita fondiaria*). This gain is significant, since the land was bought by Laika at 23 euros/sqm and is now valued at least 150 euros, an increase in value of more than 500% in a few years. Neighbouring residents, on the contrary, will see their real estate values dropping as soon as the countryside is "developed" into an industrial zone.

And here comes the physical location issue: Sambuca, the industrial zone where Laika currently has its facility, has direct access to the Florence-Siena

61 The one of the famous historian Francesco Guicciardini.

62 Formerly an independent enterprise bought by Hymer in 2002.

63 Many local associations, including *Legambiente*, *Italianostra* and WWF have appealed to the regional administrative court against the permit, but with no success.

64 Thanks to an ad hoc change of the existing land-use plan, made specifically for Laika in 1997, allowing the transformation of 10,000 sqm of rural land into a 13,000 sqm industrial building.

motorway, which makes the connection quick and easy with the southern industrial zone of Poggibonsi, where many camper components are sourced, and it could still be renovated and densified. These two industrial areas, as for many others in Tuscany and throughout Italy, are far from saturation, offering empty spaces that should be filled before encroaching further on rural areas. Moreover, Sambuca has a planned extension of 15 hectares that is not yet occupied, close to the Laika properties. The new area chosen for the industrial development is, in contrast, quite far away, and accesses the motorway via a winding country road that also passes through minor villages. It is among a few unbuilt areas, and has a river still running through the extensive fields. Its landscape, as well as its tranquility will be destroyed, and the traffic brought by the new activity will impair quality of life in the area and also create traffic problems for people who use that road regularly to reach their workplaces in the Florence metropolitan area.

Seen from the outside, it is quite clear why the private actor has preferred to move into a rural area instead of refitting his existing industrial property, attracted by the possibility of making a very good financial investment, but there is no clear reason for which public institutions have been so prone to support this operation.

The procedural aspects illustrate how, without the full and ongoing support of the institutions at various levels (Municipality, Province, Region), the exceptional change of provisions stipulated upon a fairly new Structural Plan⁶⁵, as well as the Provincial Plan, which both zoned the area under discussion as rural and worth preserving, into an industrial area, could not otherwise have been accomplished.

Someone officially representing the Municipality has played an active role in convincing the former landowner to sell the rural land to Laika, by acting as a middleman. The same active role has been played by the Municipality towards the Provincial government, using the possibility given by the regional Law 1/2005 to simultaneously change both the Municipal and the Provincial land-use plan, with no public deliberation nor debate, and not even any thorough evaluation of trade-offs between environmental and economic aspects, short and long term effects⁶⁶. The respective Councils of elected representatives were not involved, and just a few people (via the *Conferenza di servizi*) had the power to change the provisions of the two different land-use

⁶⁵ The general town plan according to the regional Law n. 5/95.

⁶⁶ There has been an evaluation procedure, but it was conducted by municipal civil servants (where the Municipality was the promoter of the transformation) and without considering the "do nothing" alternative.

plans, which would usually require a long, time-consuming public debate as part of the approval process.

Several local and environmental associations presented observations to the Municipality and the Province, before starting legal action, but in many cases they were met by verbal abuse and no rational discourse was used to explain the arguments in favour of the decision taken.

Building works have not yet started, but the building permit has been issued.

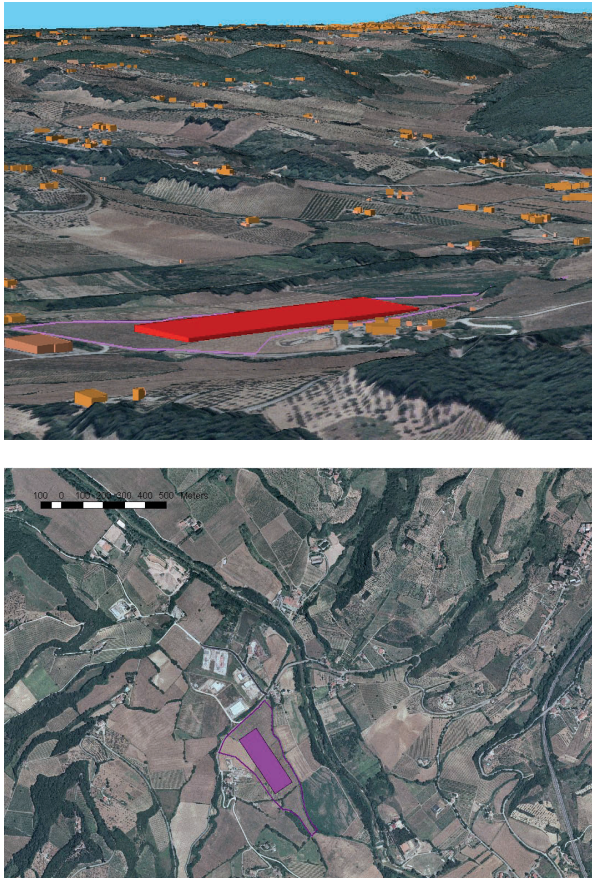


Figure 6: Zenithal view (top) and three-dimensional rendering (bottom) of the new Laika building in the Pesa Valley close to S. Casciano.

6 Conclusion: what is wrong and what might be changed in order to improve the public benefit of land-use policies, or at least defend collective, general public interests

Noticeable differences between policies practiced by left and right coalitions are hard to find in fact, behind the rhetoric that refers to two quite different visions. The regional government *de facto* adopts, in land-use policies, practices that are more and more similar to those formalized in the national law proposed some years ago by Berlusconi's government, better known as the "Lupi" proposal⁶⁷. And what is worse is that local politicians (the regional *Assessore* Conti for instance) declares this as a point of honour.

Quoting a well known saying among political scientists "policies are not left nor right, just good or bad ones", it is worth remembering that land-use policies are usually, at least those discussed here, redistributive, and it makes some difference who and how many will lose, who and how many will gain. It is probably true that within "coalitions for growth" personal gain comes before any other aspect, and in this sense left or right coalitions for growth are more or less exactly the same in the end.

Another relevant point is that contemporary policies directly concerning citizens' everyday life cannot be set up without substantial participative interaction, both to gain information and to share targets and means arrangements. Generally speaking, in Tuscany the much discussed shift from top-down to bottom-up policies seems to interpret "bottom" not with citizens, but with representation of organized interests.

The political model based on "*consociativismo*" (see above) has produced a continuous shift from the party's political structure towards an economic-financial structure, organized via enterprises which are further from and less dependent on local elected powers. This change has transformed elected Mayors into little more than puppets, forced to complain in the face of exogenous decisions rather than listening to their citizens' points of view and political requests, as both the Montespertoli and S. Casciano examples clearly confirm. And all this, despite a reform that formally gives municipalities much more autonomy than before.

What kind of instruments do citizens have to defend themselves when their territory is put up for sale, with developments often going against common sense and always against general public interests?

67 From the name of the parliamentarian who signed the proposal, Maurizio Lupi, current vice-President of the National Deputy's Chamber. For a critique of that proposal see Magnaghi and Marson (2005).

Legal appeals to administrative courts seem in most cases to be the only option, despite the fact that many appeals are rejected, i.e. refused in advance.

Is there any way out from this predicament, besides through the growth of civic administrative lists? The promotion of an active participatory dialectic between citizens and local governments, effective consideration of issues and stakes, possibly with the help of sound and participatory evaluation procedures, seem to constitute a reasonable way forward, in line with formal declarations and new official procedures. At the same time, if Mayors and administrative structures do not espouse these practices as their new political attitude and a due service to citizens, both participatory practices and evaluation procedures remain just another bureaucratic rite. As a citizen, this will alienate me from politics; as a planner, it will make me more and more disenchanted with disciplinary instruments, which is unfortunately the flavour of contemporary Italy. Yet Tuscany has still some chance to be a place apart.

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