

ANALYSIS OF THE RELATIONS BETWEEN CONTAMINATED SITES AND URBAN PLANNING

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SOIL AND PLANNING

In our normative system, private citizens, not only the responsible of contaminations which have direct burdens, but also the investors interested in regeneration of areas hardly exhausted by their industrial history, are the ones that mainly take care of the environmental rehabilitation.

The reclamation process, completed or not, provides information about designation and use restrictions of an area or about the interventions necessary to comply with a certain use designation.

Dealing with the parallelism between norms concerning urban planning/building on one side and contaminated areas on the other, and because of a lack of a legislation able to link these two fields, the operative strategies and the different areas of expertise during the various steps require formal protocols with procedures involving local authorities.

There are three main fields requiring these formal administrative ad hoc-protocols:

- Inclusion of polluted areas into the urban planning tools;
- Relation among urban planning regulations, building permissions and reclamation procedures;
- Relation between environmental authorizations and reclamation procedures.

The first area is correlated to the data collection and registration issue. This is one of the main questions which should be solved not only towards the administration of polluted areas, but also with regard to procedures of reclamation and redevelopment of the country. One of the today's most important obstacles to redevelopment plans is the lack of information at the starting point, which provides financial uncertainty and a temporal coefficient, both resulting lethal for the development of the plans and deterrents for investors.

The application of environmental information results completely unrelated with the urban planning and building phase which should on the contrary take advantage from these information. Urban projects often start without being aware of what they will face, bringing along an uncertainty coefficient significantly bigger than a normal enterprise risk. It would be then crucial the formalization of a dynamic

system able to move information from reclamation to urban planning and building, a registry process of environmental reclamations which could be quickly and fully acknowledged by the urban planning tools, so that it would be possible to have valid information and right warranties. How is then possible to create a link between environmental reclamations and urban planning tools? Without national guidelines the issue should be solved with the procedures and protocols, mentioned above, among the involved local authorities.

Two general procedures are likely to be identified:

1. Offices responsible for environmental reclamation produce deeds to formalize the register of the polluted areas and afterwards data are acknowledged by the urban planning offices which produce the essential updating of the tools.

2. Offices that control polluted areas convey acts and deeds to the urban planning offices, which consequently produce adaptations and adjustments.

The third issue mentioned in the introduction refers to the environmental authorizations system, which actually causes competence uncertainties involving many fields from the jurisdiction question to doubts on the predominance of one or another procedure.

One of the most recurring examples is the one about the Environmental Assessments, which should highlight the general subsistence of environmental questions on the plan taken into consideration. Actually it does not seem clear whether they should consider only the 'effects' of the plan on the environment or also the 'effects' of the environment on the plan. It is also controversial if these assessments should say over the urban compliance of the plan, if we consider that the reclamation is incumbent on the use designation, giving criticality environmentally speaking. The same occurs, for instance, in the case of IPPC.

Hence it is necessary that the local authorities perform their duty of operations' management and control as well; in addition, private citizens must be given the possibility to intervene. It is undeniable that the local governments should stop demanding the unachievable as well as entrepreneurs should stop considering the environment as a mere obstacle to financial activities.

REFERENCES

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