Principles and rules for spatial planning governance and government in Italy

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Abstract
The paper argues that a law reforming the planning system as a spatial government activity is needed in Italy: it is necessary that regional laws descend from new principles and rules to allow for more effective operations in the respective local municipal systems and the vast metropolitan and regional area. It relaunches planning through a plan that can dictate rules not only for the performance of private initiative but also for public policy and concrete actions of the institution responsible for that plan. There are outlined the main contents of the INU proposal, starting from the necessary to move from a plan that exercises public authority (often only formal) to a plan that includes public-private and public-public negotiation transparently and helpfully for the general interest.

Keywords
spatial planning, governance, government

1. Territory and its government and governance

Following the reform of Title V of the Italian Constitution in 2001, among the various functions and activities performed by the public authorities, that of "territorial governance and government", has become increasingly important. This expression can be taken to mean a "broad complex set of interacting functions, with a strongly polysemic meaning that calls into question all the constituent institutions of the Republic that are responsible for and competent in the relative fundamental activities, including the function and method of territorial planning" (Barbieri 2023, p. 162). This is a decidedly more articulated conception than the one that, at the beginning of the 1990s of the last century, was still considered the most accredited and which saw in the government of the territory the "complex of institutions that preside over the regulation, control, and management of land use" (Morbidelli 1994, p. 755). Today, this concept covers the regulation of land use; it extends to the environment and landscape, referring to the complex sustainability of use and not only to the legitimacy concerning the rules of use itself.
However, the difficulties connected to the perimeter of this concept also reside in a rather heterogeneous legislation stratified over time, whose 'regulatory heart' is still, inexorably, represented by the national Spatial Planning Law n. 1150/1942, albeit amended and supplemented several times in eighty years of the Republic. It is flanked not only by national laws, which regulate, in competition with the town planning regulations and with each other, specific spatial areas of territory or sectors (laws such as those on the protection of natural beauty or the protection of things of artistic and historical interest, or parks, protected areas, hydrographical basins, or laws on areas destined for economic and social housing, artisan and industrial production facilities, large commercial businesses, etc.), but also regional spatial planning laws, which regulate the development of the territory of the Italian Republic(since the entry in force of Presidential Decree n. 616/1977) and sectoral laws.
If we consider that this very dense set of laws is accompanied by the respective instruments (plans), it could be useful to try to understand why the territory appears to be governed (and planned) in a hypertrophic manner.

1.1 Background. A hierarchical planning system

Consistent with what was instituted by Law n. 1150/1942, planning has long been commonly defined and described, according to an authoritative and strictly legal approach, as a "procedural facts" of acts of public power connected in cascade, each with the function of better specifying what had already been disposed of by the preceding one, according to relations of supra- and sub-ordination, or according to relations from the general to the particular. In this way, "the concept of planning is identified in the legislative regulation of an activity which, while resolving itself in a multitude of measures, intends to maintain the organic coordination of them and proceeds through a series of acts which gradually condition themselves from the most general to the most particular, that is, from the Territorial Coordination Plan to the measure by which the execution of the single construction is permitted" (Stella Richter 1984, p. 7). As has been observed in this regard, (*ibidem*, p. 8), accepting such an approach implies that in order for a given territory to be considered correctly and fully planned, it must be affected by a multiplicity of overlapping territorial and town-planning instruments; the content of the various acts linked together must necessarily be homogeneous; plans of a broader territorial scope are of greater importance than those of a more circumscribed scope, whose function is substantially executive of the more general one.
This type of conception has been the most widespread, particularly in the legal-administrative culture of town planning (and can be found in most juridical town planning manuals), until the debate on the relationship between the various institutional levels (and therefore between their

acts) was significantly reopened, concomitant with the approval of Law n. 142/1990 reforming the local self-government system, which above all was to give definitive implementation to the principle of political and administrative pluralism contained in the text of the Constitution. Having quickly fallen into oblivion, a new impetus to the discussion only came with the entry in force of Law n. 56/2014, which provided provisions for metropolitan cities, provinces, unions and mergers of municipalities and which, in the original intentions of the legislator, should have subsequently led to the abolition of the provinces.

The aforementioned is a conception that takes for granted the identity of the function of all possible types of plans, which are distinguished solely according to the greater or lesser territorial extension of their object, and that implies, therefore, that more significant extension corresponds to more generic forecasts and vice versa. It is, moreover, well known that such a conception does not correspond to the actual reality of things, nor even to the normative reality: the abstract aspiration to the systemic order of this conception only determines a flattening of the relevance of the urban planning instruments provided for by the legal system, attributing to them an identity of function that they certainly do not have and that it is probably not correct that they should have.

Other arguments supporting the criticism of the so-called cascade planning can be found concerning the fact that some planning instruments, among those foreseen by law, may only be prepared with this conditioning of the existing ones. That is, it is possible that planning may still take place regardless of the existence of plans of a more general content and a broader territorial scope: in fact, it has commonly occurred in Italy that territorial plans have either not been prepared or have been prepared after many of those destined, according to the above conception, to a conformative and executive function. This circumstance highlights the erroneousness and the futility of the reference to the 'procedural case' in explaining the planning system at various levels.

Moreover, according to the cascade conception of planning, one is led to think that the authority competent to adopt the highest-ranking plan is first and foremost entitled to plan; therefore, originally first and foremost to the State (which should have dictated the general guidelines for the development of the national territory) but above all to the region, particularly after the entry into force of Presidential Decree 616/1977, to which is attributed the task of adopting the regional territorial plan; then to a metropolitan or provincial 'intermediate body', to which is entrusted the drafting of a specific plan for its territory and, only at the end, to the municipality, whose powers of the urban plan (however named in the various regions) cannot exceed the boundaries of the administered territory.

It is well known that post-war town planning events have shown (Campos Venuti and Oliva, 1993) that the central role of planning was assumed neither by the State nor then entirely by the regions, but precisely and above all by the municipality, considered, by the same legislative regulations, as the actual holder of the power of territorial planning to which the responsibility for the conformation of the territory and the individual properties that make it up should undoubtedly be attributed since it is the municipal level where the use of land is defined, obligatorily and with the plan.

2. A new planning season

There are many good reasons to believe that the basic principles of planning must be reconsidered and new ones sought: the current stage of society requires the activation of a new process of governance of planning, capable of involving the entire institutional system in a policy of territorial government closely anchored to subsidiarity, institutional cooperation, co-planning of structural choices, coherence and operational effectiveness of the contents of the plans.

The increasing complexity of the development processes that have characterised the last few decades calls for a change in the instruments of government and governance and their management methods. This reality requires a clear shift towards the processual and integrated nature of planning, which goes beyond the current system of hierarchically ordered 'cascade' plans aimed at controlling and regulating land use and sectoral plans drawn up by different and substantially separate institutional subjects.
What is needed is an appropriate style of government based on shared knowledge, subsidiarity (Giaimo 2022: 5), methods and procedures of cooperation and co-planning between territorial authorities, consultation and participation of public and private stakeholders. The government of the territory should, therefore, be conceived as a process capable of placing itself at the centre of a new institutional, administrative and physical-organisational model of the many territories, knowing how to renounce hierarchical and dirigiste forms and proposing itself as the product of a collaborative, participated and shared construction with the territories and their respective institutions, placing itself within a broader chessboard of challenges and opportunities.

2.1 More than thirty years of subsidiarity

Reconnecting the threads of the discourse around the principle of subsidiarity is a valuable exercise that finds a valid pretext in the thirtieth anniversary of the Maastricht European Treaty (1992).
Suppose it appears, in fact, of dramatic evidence and urgency to update a reflection on the issues of the common foreign and security policy established by the Treaty in order to safeguard common values, fundamental interests and the independence of the Union. In that case, it is equally important to observe, with reference to territorial governance, the consequences that its use has had on the process of European integration concerning the character of legislation and the exercise of competing competencies but also, in general, with respect to the distribution of competences between the Union and the Member States (De Pasquale 2021). We should not forget that Maastricht did not celebrate the 'birth' of the principle but 're-employed' its original meaning and role (the roots of which go back much further than 1992), in the conviction that with its 'codification' subsidiarity could be used as a 'brake' to limit the indefinite expansion of Union law, which would otherwise be inevitable given the primacy the latter enjoys. In this way, it could be enshrined that, in areas that are not within its exclusive competence, the Union intervenes where individual states action is insufficient to achieve the objective. Symmetrically, this principle is found within a country in the relationship between state and local institutions. In essence, the conceptual core of subsidiarity lies in the principle that a higher-level entity should not act in situations where the lower-level entity (down to the citizen) can act on its own and, in addition, that the intervention of the higher-level entity should be temporary and aimed at restoring the autonomy of action to the lower-level entity. On this aspect, we should not forget that in Italy, the historical roots of subsidiary thinking inspired the Camaldoli Code (a programmatic document of the Italian Catholic forces drafted in 1943) and the Italian Constitution of 1948 itself, even though its formal entry into the constitutional dictate only occurred with Law n. 3/2001.
For this reason, interest in the principle of subsidiarity is not limited to considerations of its relevance, given a better organisation of levels of government. However, it extends to the contribution it can provide to support a broad and conscious participation in the democratic life of a country (especially at the local level), constituting 'the tool to introduce new forms of opening of the state to civil society' (Di Giacomo Russo 2015: 139). It is particularly evident if we take into account "the cultural contributions historically underpinning subsidiarity, namely social doctrine, liberal and federalist thought" (cit.: 38). In this sense, the principle of

subsidiarity also enshrines the recognition of the right to action of individuals and social groups pursuing together the goal of the common good.
Over time, subsidiarity has thus taken two prevailing directions.
In this regard, we speak of vertical subsidiarity, which indicates a completed distribution of competencies between the various levels of a state's positive order, and of horizontal subsidiarity, which indicates the *subsidatio* role played by the public subject in support and aid of private individuals.
Reasoning along the vertical direction of the territorial governance and government, the convinced assumption of the principle of subsidiarity for the innovation of spatial planning action (and of the processual and integrated nature of planning) appears more necessary than ever to overcome the historical 'system of plans' descending from Law n. 1150/1942, which was hierarchically ordered and aimed at controlling and regulating land use transformation.
A second good reason to practise the principle of subsidiarity with conviction concerns its possible declination along the ideal-typical horizontal direction that empowers citizens (individuals and associations) to carry out activities of general interest such as the care, regeneration and shared management of common goods. From this perspective, the principle of subsidiarity sanctions the recognition of the right to action of the individual and of social groups that jointly pursue the objective of the collective interest, taking on the profile of a 'philosophy of human action' that is open to solidarity and realised in the achievement of the common good.
Within the perspective of actions of care and social welfare (welfare), subsidiarity is, therefore, an enabling condition for enhancing the system of relations that involves organisations, individuals, and institutions and intervenes in defining collective choices on functions and uses of urban space, especially that deputed to the provision of services.

3. Principles and aims for contemporary spatial planning. The INU's proposal

In concurrent legislation of the territorial governance and government, the State maintains an ostentatious disinterest concerning the dutiful formulation of a catalogue of principles adequate to the agenda of emerging themes. However, contemporary urban planning law is by no means in a weak phase: thanks to regional activism, the horizontal syncretism between the most advanced planning practices, and the interventions of the jurisprudential formant, it appears to be in the midst of a generative phase, destined to affect the planning function profoundly (Boscolo 2024, p. 9). Such adaptability does not, however, overshadow the limitations of a model with regional traction, arising first and foremost from the need for more basic ordering coordinates. It is sufficient to observe the differences between the two most recent regional spatial planning laws (Marche regional law n.19/2023 and Abruzzo regional law n. 58/2023) to grasp the effects of the lack of a common legislative-regulatory frame of reference.
Within this framework, the Italian National Institute of Urbanism (INU) proposed an articulated text (*Law of Fundamental Principles and General Rules for the Government of the territory and planning*) for a law's proposal (INU 2024). The text enunciates the fundamental principles of the subject, in line with the constitutional scheme and with the function of the orientation of regional legislative production assigned to the state law, but also indicates, as an immediate corollary that actualises those same principles, the goals to which the government of the territory and planning must aim at in the crisis (climatic-environmental and socio-settlement) and formulates a series of general rules that, although structurally distinct from the principles, should also contribute to guarantee a common basis for regional legislation. Not only the article express the regulatory criteria of future delegated legislation on the crucial issues of urban taxation and public promotional intervention in urban regeneration and dictates specific rules on the issue - debated for decades and back in the news with the revival of the debate on

differentiated regionalism - of the regulation of territorial endowments (spaces for general use, supply platforms, but also ecological spaces and equipment: to guarantee green and blue networks) and the minimum levels of services (Art. 117, II paragraph, lett. m., Constitution.) to be guaranteed in every part of the country. This contribution focuses on Art. 2 of the proposal, poignantly entitled 'fundamental principles and purposes'.

The fundamental principles of the subject matter are normative enunciations with a general content, characterised by value and deontic surplus. In this, they differ from the specific provisions found at the subordinate levels of a regulatory system. Principles constitute the immanent and stable element of a regulatory system, but (far from any fixity) they guide its constant updating due to their open structure, which allows for adherence to the underlying value dynamics of the system. Principles (in the plural) constitute the backbone of a system as they compose a combinatory palimpsest within which they balance each other and from which they cannot be isolated.

INU's proposal focuses on a catalogue of principles, recognised and already in operation, capable of providing a guideline to the accelerated mutation of the discipline and of constituting a reliable reference for the interpretation and integration of a system that evolves as a result of the incorporation of new values or instances (this is the case of the soil theme, the recognition of the essentiality of ecosystem services or the introduction of measures for adaptation to climate change). The result is a photograph of contemporary urbanism rendered comprehensible in its structural order.

In the list suggested by Art. 2 of the proposal, the only legacies of the 1942 town planning law have their place, which can be identified in the principle of integral planning of the territory and in the principle of due process as the place of balancing the various interests with the territory as the terminal. Two principles whose immanence has not prevented the redesigning and actualisation of the figure of the plan (even if there are increasingly frequent 'escapes' from the plan: not only the location of public works and plants for the production of energy from renewable sources but also the reduction to the rank of building of urban regeneration in the National Building Code, Decree n. 380/2001) and the introduction of devices aimed at favouring the broadest participation, anticipated, informed and incidental within deliberative arenas.

The proposal, therefore, recalls principles deduced in regional legislation and others to which the most advanced planning experiences are informed. The consolidation of the principle of sustainability (the background to the function of 'custodial' protection of terrestrial environmental matrices assumed by the territorial governance and government) has resulted in recognition of the essentiality of ecosystem services, in ecological continuities but also urban ecosystems; in parallel, the awareness has matured that urban fabrics guarantee urbanity services because of their capacity to guarantee quality, efficiency and inclusiveness to urban users: generative environmental systems and efficient urban systems must therefore be preserved given intergenerational transmission (in a suitably extensive rereading of the renewed Art. 9 of the Constitution.).

The reference to inclusivity recalls how the urban is the place of satisfaction (or frustration) of social rights: the principle of territorial equality moves from the consideration that large cohorts risk suffering an unjust condition of marginality due to the denial of access to rights that are infrastructurally but for some also territorially conditioned. Hence, not only the radical rethinking of the issue of standards, going beyond parametric logics and favouring proximity-oriented localisations (as better articulated by Art. 16 of the proposal that prefigures the overcoming of Ministerial Decree 1444/1968), but in broader terms also an emphasis on the need to return to active policies for the many different suburbs or internal areas, in order to guarantee equal opportunities in terms of capacity and cohesion to subjects that suffer unacceptable territorial injustices.

The principle of an adequate cognitive foundation and the correlative consistency of planning solutions recognises the centrality of the cognitive apparatus, which is also implemented as a result of participation and guarantees objective cognitive frameworks, from which a rigorous constraint on the consistency of urban planning decisions derives. A constraint that becomes stringent about the invariants that are the subject of substantially constrained ascertainment and, in any case, reduces the traditional rate of discretionality of urban planning decisions (with a consequent increase in the margins of justiciability).
The principles of equalisation and compensation reaffirm the unavoidability of overcoming the intrinsic discriminatory nature produced by the solutions of resetting areas connoted by homologous statutory characteristics and reconnect the effectiveness of actions for the public city to the overcoming of recourse to expropriation. The proposal thus allows a glimpse of an innovative principle aimed at imposing, as a legitimising factor of every transformation generating diffusive externalities, the prior compensation of impacts and pressures, with the consequent internalisation of environmental costs in the hands of the promoter (a principle that is also at the basis of redistributive devices of territorial equalisation and compensation affirmed and practised, for example, by the Metropolitan Territorial Plan of Milan and Bologna).
Concerted systems represent the alternative to the 'cascade' planning model hinged on Co-planning Conferences aimed at favouring (starting from shared cognitive frameworks) inter-institutional understandings and agreements. In such a scenario, the prospect of the principle of extrinsic coherence (no longer conformity) between the various planning levels is decisive, by which the local level instrument can contextualise and better define the solutions congruent with the effective pursuit of the objective prefigured by the supra-local plan (so-called result constraint). In not dissimilar terms, a principle of intrinsic coherence also operates between the functions and components of the plan (strategic-structural, regulatory and operational), guaranteeing flexibility and overcoming the need for continuous variants in the passage from the prefigurative level to the operational-planning level, also in this case in the pursuit of intransigible planning objectives. This is the space carved out (on the push of case law) for the negotiability of profiles that the plan (characterised by graded regulatory hardness for the consolidated city and for the tissues to be redesigned and regenerated) regulates in 'non-conclusive' terms precisely to favour (also through recourse to concurrency in the case of allocation of scarce resources), the emergence of concretely feasible solutions that can be deduced in operational agreements (referable to the genus of Art. 11 of Law n. 241/1990), not inseparable from an adequate recovery of public value.
Article 2 keeps separate from the fundamental principles the list of the aims of the territorial governance and government and its fundamental planning activity, expressed in concrete statements (semantically different from the principles), in which the echoes of the challenges posed by the crisis affecting the territories resonate clearly. The requirements of climate neutrality, energy efficiency, etc., stand out on this side, but - taking up the diptych between environmental continuity and urban fabrics and the parallelism between ecosystem services and urbanity services (which would lead one to reflect on the status of environmental and urban common goods) - the regeneration and limitation of soil consumption find articulated discipline above all. Regeneration (urban and territorial) understood in its broadest meaning, as a tool for raising the quality of settlement but also social and environmental as an expression of the recovery function of degraded contexts; the subject-soil to be framed not only in quantitative terms but - as suggested by the most up-to-date European indications that push towards an authentic cultural reframing - with attention to qualitative profiles and biodiversity and, more generally, to ecological dimensions and - again - in function of the recovery of resilience through safety programmes, as indicated by the Nature Restoration Law approved by the European Parliament in July 2023.

3.1 Focusing on urban standard

In the Italian technical and disciplinary field, it is a shared opinion (Giaimo 2019; Laboratorio standard 2021; De Leo 2021) the need to update the discipline of urban standard introduced in Italy by Decree n. 1444 in 1968, especially within the framework of law of principles on the concurrent subject of territorial government and governace (Barbieri 2023), in implementation of the reform of Title V of the Constitution (Law n. 3/2001). Today, Italy is divided into 21 territories between regions and provinces with ordinary and autonomous statutes that regulate public utilities (urban standard) in a manner that is also significantly differentiated, both in terms of definitions, approaches, and technicalities. It is also fundamental not to lose sight of the fact that in addition to the legitimate specificities on a regional legislative basis (in the application of Presidential Decree n. 616/1977), there are different levels of objective achievement of urban standards in the various regional realities, both in quantitative and qualitative terms.

More so on this occasion, the operation aimed at (trying to) clear the field of possible misunderstandings through the exercise of definitions proves to be of fundamental importance. The expression ‘urban and territorial endowments’ refers to the set of areas, buildings and public or private equipment for public use, aimed at the realisation and provision of services of public utility and collective interest, at favouring suitable settlement conditions and quality of life, of relations, of social cohesion, as well as at improving universal accessibility, quality and usability of public space. The set above of areas, buildings, and equipment may also be used for temporary uses, provided they fall within the scope of services of public utility and collective interest.

Considering the enduring criticality of the contemporary condition regarding welfare policies and citizens' wellbeing, we must acknowledge that writing the law of principles on the territorial governance and government is a good and proper opportunity to guarantee the pursuit of certain fundamental rights. Therefore, the expression 'minimum and mandatory urban and territorial endowments' should be referred to the essential level of services (ELS) concerning civil and social rights, which the State must guarantee throughout the national territory under Article 117, paragraph 2, letter m) of the Constitution.

Another issue is alluded to through the term ‘services,’ by which we mean the actions and/or works that provide something and/or perform functions to satisfy the needs of the community. The notion of ‘service’ has mistakenly led some to interpret the need for greater attention to settlement quality by assimilating Ecosystem Services (SE) to urban standards (i.e. ‘minimum and mandatory urban and territorial endowments’).

It is due to the change in the cognitive perspective of knowledge related to the ecological functions of soils, particularly in the meaning developed by Ispra (2018) based on EU Directive 231/2006. Such an approach recovers, albeit in an anthropocentric interpretation, the value of environmental resources (Full World, Daly 2005) and transforms the meaning of ‘functions’ into ‘services’, where these services respond to a direct or indirect demand for ecological services performed free of charge by Natural Capital and recognisable quantitatively from a biophysical and economic point of view.

According to the most established definitions in the literature, Ecosystem Services are ‘the multiple benefits provided by ecosystems to human race’ (MEA 2005) and ‘the contributions that ecosystems make to human wellbeing’ (CICES 2013): it is emphasised that for both definitions, the ecosystem component provided (good or function) is understood as the outcome of an ‘end product’ of ecological systems. The change of perspective introduced by ES lies in the connection between human wellbeing and ecosystem functionality, which is made evident by assuming the perspective of the beneficiaries or recipients of the services/benefits (Cortinovis, Zardo and Geneletti 2016).

The ecosystem approach, as defined by the COP 5 Working paper (UNEP/CBD/COP/5/23, 103-109, 2000), therefore, aims at quantifying the functions that natural capital performs in a more 'anthropocentric' vision, seeking to remove barriers between the human economy, social aspirations and the natural environment. The developed actions integrate ecological, social and economic information and highlight the (direct or indirect) 'benefits' that nature generates for humans to achieve a socially and scientifically acceptable balance between the priorities of nature conservation, resource use and benefit sharing.

Within this perspective, the term 'ecological and environmental endowments' is to be understood as the areas of public and private property, natural or semi-natural, that contribute to the achievement of the goals of environmental sustainability about the protection of the environment, biodiversity and ecosystems, as envisaged with the amendment of the Constitution in 2022 in Art. 9, i.e. precisely where (Arts. 1 to 12 - Part I) the fundamental principles are enunciated.

This is all the more evident when one considers that the EU Parliament approved the Nature Restoration Law on 12 July 2023. A measure proposed by the European Commission (partly contested by farmers) makes nature protection and the restoration of European habitats a legal obligation. Therefore, striving to support the ES mthodological integration in planning is even more necessary.

It has been argued (Salata 2021) that regulatory ES are best suited to support urban planning and the identification of operational priorities related to urban 'quality' and collective wellbeing about their close dependence on planned land use treatment. A public urban garden with an excellent tree-arbustive endowment can absorb much more atmospheric particulate matter than the mere lawn of a private garden. At the same time, a tree row planted in a private garden could retain much more agricultural nutrients than a small urban forest if that garden were in a run-off corridor dependent on diffuse nutrient sources.

The spatial analysis of ES can prove decisive in the structural and operational design of urban and spatial regeneration (on both public and private land), directly affecting urban quality and public health.

It is evident, therefore, that the ES are not superimposable not only to the urban standards of 1968 but also not even to an actualised conceptualisation in terms of endowment: attempting to superimpose the 'ecosystem service' to the 'urban and territorial endowment' can, especially in such a delicate moment of construction of methodologies in support of the protection of biodiversity through the integration of the ES in planning, generate great misunderstandings.

It is also intuitive that specific endowments can contribute to improving ecosystem capacities in different urban contexts (and also extra-urban contexts, mainly agricultural), as well as the fact that it is possible to characterise ecosystemically the (public and private) green spaces of cities by understanding what initiatives to adopt to make them more performing under different profiles, but it is not true that all urban and territorial endowments can generate ecosystem services.

More appropriately, it is believed that, in the formation of new urban planning tools and the revision of existing ones, municipalities should carry out, based on appropriate operational indications, a reconnaissance and quanti-qualitative verification of the actual state of areas, buildings and public or private equipment for public use aimed at the realisation and provision of services, services rendered and related performances, including those provided under agreements. It needs to be updated to reflect the resident population, the population actually present, the fluctuating population, the demographic structure, and the social composition.

All these materials must become an integral part of the documents that contribute to forming the cognitive framework of the urban and territorial planning tools for the sustainable government of the territory aimed at urban and territorial regeneration.

4. Conclusions

The law proposal put forward by the INU is a 'multifunctional' regulatory model capable of flanking the formulation of the fundamental principles and general rules of territorial government and governance with the regulation of several matters of exclusive State legislation. It also identifies those matters in which this law provides for a delegation to issue the necessary legislative decrees within the principles and timeframes defined therein. The INU's proposal regulates the scope and concept of territorial government and governance; the fundamental principles and purposes of territorial government; the tasks and functions of the State, regions and local territorial authorities; the instruments of planning and co-planning.
The law text drafted by INU presents two particularly innovative aspects: the shift from a predominantly parametric approach in the sizing of urban standards to the use of new qualitative-quantitative criteria, ensuring that the prefiguration of new urban allocations proceeds hand in hand with the introduction of the ELS (Essential Levels of Services);
the proposal of a plan form that tends to replace the principle of conformity with that of consistency progressively.
As a result of this transition, the urban planning discipline should seek substantial agreement between each new planning instrument and the objectives and addresses set by the superordinate plans.
This will achieve two effects: favouring the flexibility of urban planning instruments and reducing the recourse to urban planning variants.
These are contents and innovations to be introduced with the aim of making urban planning, at all levels, more in tune with the new challenges that the territorial government and governance must face: from the needs of ecological transition to adaptation to climate change, from the prevention of hydrogeological risk to the progressive zeroing of soil consumption.

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SECTION V

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Art 22 Transitory norms
Art 23 Repeals

[1] Own translation from the Italian text.

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