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**Structure plan in the
Tuscan Regional Law***Annalisa Cauteruccio,
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Tuscan RL 1/05 assumes *territorial governance* as the object of its discipline, understanding by this "the ensemble of activities relating to the use of the territory, with reference both to factual aspects and to normative and managerial ones, regarding the safeguarding, development and transformations of territorial and environmental resources" (Art. 2, 1). From this standpoint the new regional town-planning discipline proposes not only to optimize the use of the territory considered, but takes as its structural basis "the sustainable development of the public and private activities that influence the territory". These objectives are concretely translated from at least three standpoints. The first one is linked with *protecting the essential resources of the territory* (Art. 3, 2), The second one comes from what is termed *saving of the territory* (Art. 3, 4), and the third one is represented by identifying the *structural invariables of the territory* (Art. 4). Tuscan Regional Law no. 1/05 identifies three autonomous actors (Region, Province and Municipality) with the task of drawing up, for their respective areas of competence, the territorial planning act, i.e. the Regional plan of territorial policy, the Territorial plan of provincial coordination and the Structural Plan. The 'cascade' type of planning model is innovated: without repudiating it, it is now accompanied by the criterion of competence and by the exclusive attribution to each institutional actor of the power of defining the plan within its respective competence. In this context territorial planning at municipal level is subdivided into two

levels: the SP (Art. 53), as the planning act, and the *Regolamento urbanistico* (Art. 55) as the act of territorial governance, to which may be added the *Piano complesso di intervento* (Art. 56) and the Plans of implementation (Art. 65). The SP contains a *basic description* by virtue whereof the Municipality, considering its specific characteristics, makes its strategic choices of layout and development; its coordinates the acts of territorial governance, as well as the particular implementation plans. From another standpoint, it defines the general rules of the legal conformation of the territory and for this aspect it contains an ascertainment of the intrinsic characteristics of the properties included in it, so that "the consequent limitations to the right of using properties, identified on the basis of the principles laid down in national law, as contained in the statute, does not entail any indemnity" (Art. 6). The new law on territorial governance thus reverses the principle that the intended land use is the central part of the law, while the discipline is based on what are called the structural invariables and the territorial statute, and the underlying principle of traditional planning is finally overcome; instead a planning model is proposed that is based on a distinction by levels: a plan (SP) containing the major town-planning choices, of unlimited duration and a plan (RU) for achieving given objectives within a defined time span.