



WP3 Inception

Output 3.5 Institutional and Informal Framework: Policies, Plans and Initiatives Background

ANNEX 04 Province of Foggia (IT)

Final Version

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Policies, Plans and Initiatives Background
ANNEX 04 Province of Foggia (IT)



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Institutional and Informal Framework: Policies, Plans and Initiatives Background
ANNEX 04 – Province of Foggia (IT)

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Short Description:

This activity will mainly focus on major planning instruments that are plans and policies. An in depth analysis of the current working tools, at different institutional level from national planning acts until local urban policies, when present, and regulative instruments are going to be done. It will be a proper screening of policies and plans generating effects on involved territories. Level of integration and capability of making synergy of these different tools is going to be investigated and even the link between policy design and decision makers are going to be examined. This report discuss the incipient stage of policies and plans used in the target area for the Strategic Territorial Agenda.

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Table of Contents

1	Administrative Structure of the TPs State.....	7
2	Planning System of the TPs State	9
3	History of Planning Instruments, Policies and Plans on Different Administrative Levels.....	10
4	Current Planning Instruments, Policies and Plans on Different Administrative Levels	12
4.1	National level.....	12
4.2	Regional level.....	12
4.3	Provincial level.....	14
4.4	Municipal level.....	15
5	Impact of the Most Important Plans, Planning Instruments and Policies on the Area of Intervention.....	16
6	Do You Already Know If You Will Need to Change Existing or Prepare New Formal Documents? If So, Which Ones?.....	21
7	Additional Information You Feel You Need To Add To Clarify the Current Situation.....	21



Figures

Figure 1: Administrative structure of the state and partnership	8
Figure 2: Area with restrictions on the use of private property arising from the recognition of the inherent characteristics (scenic beauty) that require protection (PUTT/p, Puglia Region)	13

Tables

Table 1: Territorial Spatial Development System.....	9
Table 2: Detailed description of the impact of the most important plans, planning instruments and policies on the area of intervention.....	16

Abbreviation List

CKP - cities knowledge platform

ST/UA - Strategic Territorial/ Urban Agendas

TP – Territorial Partner

SEE – South Eastern Europe

SWOT - Strengths, Weaknesses, Opportunities and Threats

UC – Urban Centers

1 Administrative Structure of the TPs State

In accordance with the 1947 Constitution, the Italian Republic is “unitar”, while recognizing the principles of local autonomy and decentralization. In fact the administrative competence and responsibilities are distributed among the five administrative entities: State, Regions, Provinces, Metropolitan cities and Municipalities.

The regions are the first-level administrative divisions of the state. Administrative functions were transferred to them between 1972 and 1977 and such regionalization was reinforced in the 1990s when some laws gave Regions residual administrative powers.

There are twenty regions, of which five are constitutionally given a broader amount of autonomy granted by special statutes. As prescribed by the *Constitution of Italy*, every region has a statute that serves as a regional constitution, determining the form of government and the fundamental principles of the organization and the functioning of the region.

The Regions shall have legislative power with respect to any matters not expressly attributed to the State. There is a number of matters of concurrent legislation for which the State shall only set fundamental principles: international and EU relations of the Regions; foreign trade; protection and security at work; protection of health; civil protection; large-scale transport and navigation networks; energy production, transportation and distribution, etc.

The regions are then further divided into provincial areas. Each of the 110 province is headed by a President assisted by a legislative body, the Provincial Council, and an executive body, the Provincial Executive. The main functions devolved to provinces are: local planning, transportation regulation and infrastructures, educational infrastructures, environment protection, social /welfare, agriculture.

The Law Decree 201/2011 (the reform of the Government of Mario Monti) foresees two major changes as regards the Provinces:

- the Provinces are responsible for guiding and coordinating functions of the municipal activities in matters of regional economic, territorial and environmental plans;
- Participate in the definition of the regional development plan, as well as in other regional plans, depending on the regional law.

The metropolitan citie is an administrative institution created by the reform of local authorities (Law 142/1990) but not yet operative. It, as defined by law, includes a large core city and the smaller surrounding towns that are closely related to it with regard to economic activities and essential public services.

The Italian municipality (or comune) plays a central role. Over 8,000 in number, the municipalities are each headed by a mayor (sindaco) and elected council (consiglio communal) of between 15 and 80 members. In addition to civil registration and local public services, municipality deals with local

issues, such as building permits, refuse collection and street lighting, the registry of births and deaths, and contracting for local roads and public works

Synthesizing, the State have regulatory powers relating to its exclusive legislative powers, Regions have regulatory power in all other matters, while the Provinces and Municipalities have regulatory powers for the organization and implementation of their functions.

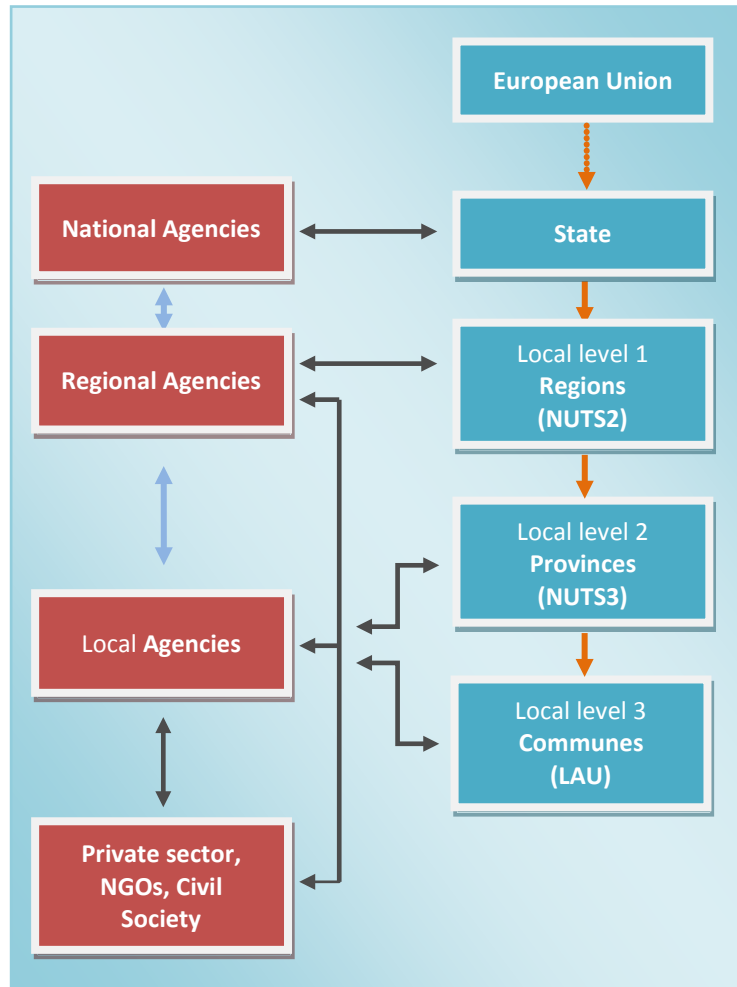


Figure 1: Administrative structure of the state and partnership

2 Planning System of the TPs State

The Italian planning system, concerning processes and competences, is regulated by the “Town Planning Law” n. 1150 legislated in 1942. An important reform was made in 1970 when administrative functions were transferred to Regions with a corresponding decentralization of responsibilities. During the 1990s, innovative legislation changes have brought more effectiveness at the regional and provincial levels of planning and in vertical relationships. Nowadays, spatial, territorial or environmental planning and the urban policies development are essentially carried out by the regions, while the central government provides financial support and advices, including coordination. In effect, following the establishment of regions beginning in 1972, the authority to approve urban plans has been transferred completely to the regions. Plans of a national scale are limited to highway, railroad, and similar plans. In response to the regional policies of the EU, Italy has been implementing a national fund allocation program since the 1990s based on plans transcending national territory and the Structural Fund.

The Italy's central government performs its roles as a coordinator of EU policies and the country's regional policies. Regions also participate in the formulation of the national operating plan necessary for the use of the EU Structural Fund. The operating plan is devised concurrently with the regional spatial plan in alignment therewith.

The current planning system in Italy consists of three levels that must produce planning instruments within the limits of general principles laid down by the laws of the State:

- the regional level represented by the Regional Territorial Plan (It. PTR);
- the provincial level represented by the Provincial Territorial Co-ordination Plan (It. PTCP); and
- the communal level represented by the Communal Urban Planning (It. PRG or PUG).

Table 1: Territorial Spatial Development System

Plan	Authority
Regional Territorial Plan (PTR) Regional Territorial Landscape Plan (PUTT/p and the adopted PPTR=	Region
Provincial Territorial Coordination Plan (PTCP)	Province
Metropolitan Area Plan (PRGI) Municipal Master Plan (PRG)	Metropolitan level or Municipality

3 History of Planning Instruments, Policies and Plans on Different Administrative Levels

Urban planning and regulations are still determined at the national level through the law n. 1150/1942, although the Regions were given the necessary competences to legislate in this matter. The aim of such a Law was “*the building implementation and development in urban centers as well as in the territory*”, which is to be carried out through:

- Spatial Co-ordination Plans with the aim to address and co-ordinate the urban activities in some specific areas of the national territory and to identify the directives to respect in the defined area (art. 5 L. 1150/1942);
- General Regulatory Spatial Plans (it. PRG) that have to be of common interest for the entire municipal territory (art. 7 L. 1150/1942); and
- Detailed Implementation Plans (it. PL or PP) that represent the implementation tools of the PRG (art. 13 L. 1150/1942).

From the 90s onwards, a series of important innovations in spatial planning has been introduced:

- the creation of the Province as an intermediate level between the Region and the Municipality; the administrative functions of the Provinces involve wide inter-municipal zones or the whole provincial territory in the following sectors: “*1. Soil defense, environment protection and valorization and risk prevention; 2. Water and energy resources protection and valorization; 3. Cultural heritage valorization; 4. Transport and road network; 5. Flora and wildlife protection, parks and natural resources; 6. Fishing and hunting in the inland waters; 7. Waste disposal management at provincial level, survey, regulation and control of water discharges and air and acoustic emissions; 8. Health services, public hygiene and prophylaxis, attributed by the national and regional legislation; 9. Functions related to the second degree and artistic education and professional instruction, such as scholastic building, attributed by the national and regional legislation; and 10. Data collection and processing, technical-administrative support to local institutions.*” (Decree No. 267 of 2000);
- the revision of the PRG structure to be made by the regions; the regions have sought to overcome the new challenges and meet the new needs of by legislating and making new regional planning laws, generally defined in the planning debate as “*second generation*” laws. In their laws the Regions identified two steps in the general planning processes: one structural and the other, more specific, programmatic. Thus the master plan is formed by two different documents, the Piano Strutturale (structure plan), with the aims of setting out the general strategy and vision for the city, and the Piano Programmatico (programmatic or development plan) which is to determine and identify development areas, to be developed within a five year time period.
- the application of innovative principles in planning (as that of participation);

- the development of negotiating tools;
- the maintenance of sustainability;
- the simplification mechanisms.

In introducing negotiation, participation integration of policies, social and environmental sustainability, a radical change has been produced in the designing and implementation of urban policies. Consequently, new and different urban planning instruments are adopted for operating as an alternative to and/or a complement of the existing planning practice.

Very important in late 1990s was the promotion of bottom-up policies by the national government, which are characterized by an explicit integrated approach. The model of integration that national government wanted to achieve in this phase of reforms is both horizontal - bringing together different players at local level - and vertical -coordinating actions of different public bodies and agencies. This process of innovation has been fostered through a number of national initiatives:

Urban Regeneration Programs, both aimed at boosting and promoting partnerships, evaluation of economic and urban planning conditions, co-financing of private subjects and strategic aspects of the plan;

Neighborhood Agreements supporting participation and communication in order to ensure an increasing awareness of the objectives pursued by the plan;

Programs for Urban Regeneration and Territory Sustainable Development, which require public financing for the projects and aim to promote technical collaboration between institutions and private subjects.

These reforms have introduced new forms of agreement between level of government and between institutional players and other actors (private or voluntary) involved in the projects. Instruments such the Conferenza di Servizi, the Accordo di Programma or the Contratto di Programma are different forms of agreement targeted on making faster implementation of public policies and investments. These administrative procedures allow local authorities (which is promoting a project of development) to obtain every needed license through a conference which involves all the institutional subjects responsible for the different policy fields and permits. This mode of governance is having as well a decisive impact on process of urban planning and implementation.

Another important innovation dating back to the 90s is the introduction of the concept of sustainable development, along with an increased attention towards environmental topics, such as environmental quality. Though the integration of the environmental issues into planning and program was still premature at national level, on the basis of some European incentives, a number of regulations and laws came into force in Italy, as follows:

- the Water Protection Plan (former Leg. Decree No. 152/1999);
- the Air Recovery and Protection Plan (former Pres. Decree No. 203/1988);
- the Acoustic Recovery Plan (law No. 447/1995);

- the Parks Plans (law No. 394/1991);
- the Waste Management Plans (former Leg. Decree No. 22/1997);
- etc.

4 Current Planning Instruments, Policies and Plans on Different Administrative Levels

4.1 National level

The national government performs the function of guiding and coordinating urban planning, through instruments that are not considered plans in the strict sense of the word. These instruments, rather, take the form of resolutions on general objectives or objectives relating to specific sectors. In addition, the national government is responsible for identifying the fundamental guidelines to be applied into the territory and for formulating the concrete programs for nation-level action in the specific sectors. These instruments may be applied to the entire national territory or just to the specific sectors of action, and they have in preset duration; their validity may be indefinite, or the plans may be made effective for a certain period of time.

4.2 Regional level

The regional level represented by the Regional Territorial Plan (It. PTR), which:

- defines, with reference to the national and European laws, the strategic targets of socio-economic development and the regional spatial system management;
- identifies guidelines and general objectives of environmental and territorial sustainability and highlights the general principles for the protection of natural and man-made resources; and
- develops and directs the identified development actions towards thematic regional
- planning, general provincial planning, and negotiated planning.

The PTR is organized according to its topic part, i.e. the Regional Territorial Landscape Plan that attentively focuses on the problems connected with the regional environmental, cultural and landscape heritage.

In Apulia Region, the DRAG document (Regional Document for General Arrangement <http://www.regione.puglia.it/drag/>) is a planning instrument organized a set of administrative and planning acts to be taken by the region in order to define an optimal shared structure. It contains

prescriptions and indications in relation to lower tier authorities (province, comuni) and planning instruments (province structure plan, PRG).

the Apulia Region Thematic Territorial Urban Planning (PUTT/p -Piano Urbanistico Territoriale Tematico per il paesaggio) establishes constraints on land use in order to safeguard the historic, cultural heritage and landscape characteristics of the territory. It contains indications, prescriptions and restrictions relating to protection and exploitation of the landscape, and is effective in relation to lower tier authorities and their planning instruments as well as the private sector. Such a plan defines the areas and the related restrictions on the use of private property arising from the recognition of the inherent characteristics of the property (scenic beauty) that require protection.

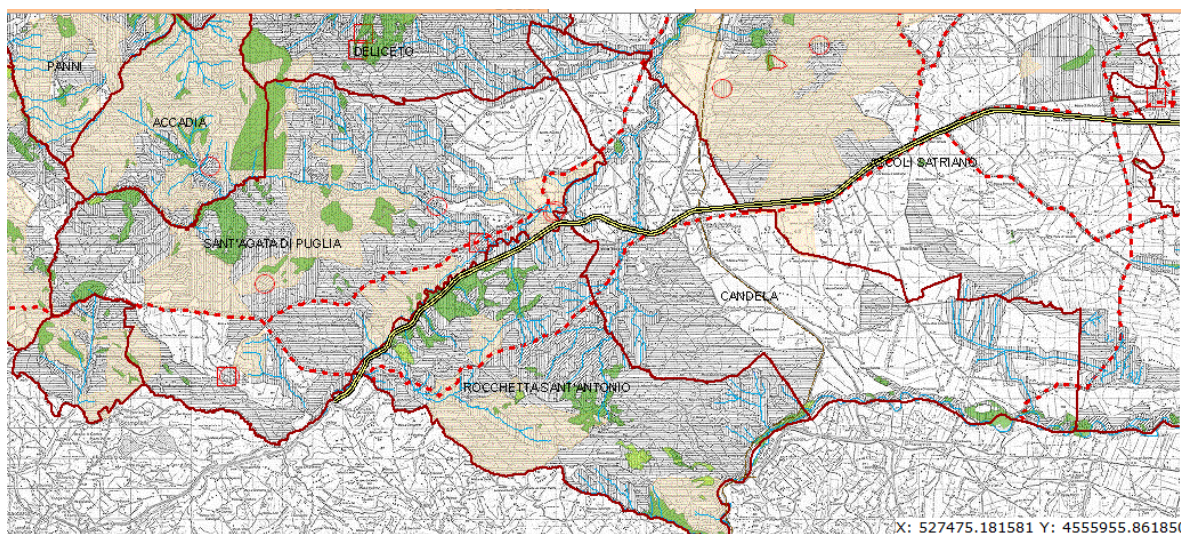


Figure 2: Area with restrictions on the use of private property arising from the recognition of the inherent characteristics (scenic beauty) that require protection (PUTT/p, Puglia Region)

In accordance with the new Code of Cultural and Landscape Heritage, the Puglia Regione has developed the new Territorial Landscape Plan (PPTR); Through the PPTR, that has been approved in 2013, the Puglia Region realizes the integration of landscape with the town planning, cultural, environmental, agricultural, social, and economic policies, and with other policies that may have a direct or indirect impact on landscape.

Both the Regional Strategic Document (DSR) and the 2007-2013 ERDF OP (European Regional Development Fund Operational program) state the key importance of urban development and local planning in pursuing the competitiveness and attractiveness of Apulia during the current planning period. These two documents, which are at the heart of the region's Community programming, include a number of important references to urban/local development plans and programs which are promoted by the region and could be considered as "Integrated Plans for Sustainable Urban Development":

- the Integrated Urban Development Plans, Intended for medium to large cities, they are defined in the ERDF OP as "*intervention programs that include actions involving the physical,*

social and economic environment, developed with the involvement of local operators". The Integrated Urban Development Plans can be focused on Environmental re generation Protecting, using and making the most of historical sites

- Integrated Local Development Plans, intended for smaller towns which can demonstrate the presence of common issues affecting the physical, social or economic environment, concentrated to an extent that allows an area to be characterized. Integrated Urban Regeneration Programmes are defined as *"instruments intended to promote the upgrading of significant areas of cities and urban systems by means of organic interventions of public interest"* (Regional Law 21/2008, containing *"Rules for urban regeneration"*).
- Area Social Plans are mentioned in the DSR as *"important premises for a desirable process of consolidation of the integration between intervention policies in urban areas"*. Large Area strategic planning processes are defined in the ERDF OP as fundamental information and program framework for the Operational Program and are a concrete response to the lack of innovative and strategic instruments noted in the DSR.

4.3 Provincial level

The provincial level represented by the Provincial Territorial Co-ordination Plan (It. PTCP), which:

- develops the regional planning system adjusting it on the basis of the local specificities and the consistency, vulnerability, and potentiality of the existing natural and human resources;
- defines the sustainability conditions and bounds in communal planning estimates and represents a shared point of reference for the communes in the definition of their own socio-economic role;
- suggests guidelines for communal planning involving over-communal issues;
- sets standards for the localisation and sizing of structures and services of provincial and over-communal interest, such as: industrial areas of over-communal interest and functional areas
- represents the framework for territorial co-operation, interpreting the territory as a network of local opportunities characterised by a different distribution, potentiality and weaknesses of natural and man-made resources and based on the stakeholders' solidarity and territorial equalisation.

The Piano Territoriale di Coordinamento Provinciale (PTCP) of Foggia identifies the elements of the system of quality in the territory. All the elements that make up the system of quality are structural invariants for the municipal planning.

Such a system of quality is made up of the strategies and measures for the promotion, protection and integration of the mosaic of landscapes and provincial rank of the following networks:

- Provincial ecological network;
- Network of cultural and infrastructure for collective use.

Among the Integrated Operational Plans (POI, a sort of executive plans) there is the POI10 "*Renovation and development of Pescasseroli-Candela*", area of intervention of STUS Project.

4.4 Municipal level

The Municipality Urban Planning (PRG -Piano Regolatore Generale) is the instrument that regulates urban development and activities in the municipality. It:

- defines the operation control and the soil transformation;
- identifies the territory structure and development trends; and
- designs special protection, enhancement and transformation measures for a certain territory.

Usually, it requires an executive plan for implementation. However, PRGs often provide for the possibility of direct implementation by owners through building permits (e.g. for agricultural zones, for completion of building zones, etc).

The Apulia region, as many other Italian Regions, has adopted special regulations that introduce a new Municipal Plan, divided into two main components:

- a Strategic Plan- managing the most important structural land use (geomorphologic, water resources, vegetation, cultural heritage, protected areas, main infrastructures);
- an Operative Plan - strictly linked to the administrative committee/council development activity during five-year mandate.

This new Municipal Plan was an afford to better managing land use increasing cost, trying to influencing high cost of urban transformation activity, introducing a new land use managing instrument called perequazione.

The regional law n. 29 of 23.11.2003 "*Regulations of the administrative functions in relation to tratturi*" states that "*in the municipal areas where there are tratturi and tratturelli the Municipalities are obliged to prepare the municipal plan of tratturi (PCT)*". The Municipal Plan of Tratturi regulate the processes of physical and land use transformation in order to: 1. protect the historical and cultural identity; 2. make compatible the transformation with the quality of the existing landscape; 3. promote the development of the lanscape; 4. safeguard the public interest.

5 Impact of the Most Important Plans, Planning Instruments and Policies on the Area of Intervention

Table 2: Detailed description of the impact of the most important plans, planning instruments and policies on the area of intervention

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
National level	Codice dei beni culturali Dlgs 42/2004 (Code of Cultural Heritage)	Law	The Code safeguards all the historical and cultural heritage related to the tratturi	The Code is perceived as an imposition of constraints instead of an opportunity
Regional level	Piano Urbanistico Territoriale tematico (Regional Landscape Plan -PUTT/P)	Formal document – current plan	The plan safeguards the tratturi networks through some prescriptions	The plan imposes constraints to the territorial transformation without encouraging actions of safeguard or development
	Piano Territoriale Paesaggistico Regionale (a new Regional Landscape Plan just adopted in 2013).	Adopted plan	Tratturi are the public areas where we are achieving the objectives foreseen in the 'Ecological Network territorial project', in the 'Low Mobility territorial project' and in the 'City-Country agreement territorial project' The plan provides for the implementation of an integrated operational plan of tratturi	
	Regional Law n. 29/2003 - Establishment of the Regional Park of Tratturi	Law		It didn't define any policies and strategies to approach the tratturi issue
	Integrated Programs for Urban Regeneration (Programmi Integrati di rigenerazione Urbana/ Territoriale –	Formal programmatic document	The programmatic document considers tratturi as alternative or green routes and an opportunity to contribute to the urban	

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
	Regional law n. 21/2008 "Norme per la rigenerazione urbana")		regeneration It could be an useful instrument to promote rigeneration in tratturo areas.	
	Regional Law n. 1/2013 - Cycling mobility planning in Puglia - "Interventions to promote the development of cycling"	Law	The law promotes interventions that provide for the conversion and reuse areas of rail, road and other infrastructure linear abandoned or disused, tracks including. It could be an useful instrument to organize projects of intervention in the tratturo areas.	
	Regional Law n.4/2013 Norms on state property and assets of the suppressed National Opera fighters "Testo unico delle disposizioni legislative in materia di demanio armentizio e beni della soppressa Opera nazionale combattenti"	Law	For the areas of tratturi the Apulia Region will define a framework structure that will support and address the local (plan at municipal level).	The local capability to plan and act is linked to the time and modalities of the regional authority.
	L.R. 15/2011 "Istituzione degli Ecomusei della Puglia"	Law	The law proposes the eco-museum as a means of re-appropriation of their cultural heritage by the community. The eco-museum, in fact, could adopt the instrument of "Maps of the community," which are aimed at promoting the role in the construction of representations of the inhabitants.	
	Programmazione 2014/2020 e PO	Formal programmatic	It includes a number of important references to	

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
		document	urban/local development plans and programs which are promoted by the region and that could be a positive impact on the intervention area.	
	Rural Development Program (PSR)	Formal programmatic document	The RDP aims to encourage the continuity and development of the agricultural and agri-food increasing the competitiveness and diversification, and ensuring, at the same time, the safeguard the countryside, the agricultural ecosystem and landscape.	
	SAC (Environment and Cultural Systems) - PPA FESR 2007-2010	Formal document	The SAC "Monti Dauni e Lucera: I luoghi dell'Uomo e della Natura" promotes attractiveness, cultural demand and tourism; it drives innovations and investments in new technologies and supports creative entrepreneurship. The final goal is to transform cultural heritage in a network of physical spaces of creativity.	
Province level	Provincial Territorial Plan (Piano Territoriale di Coordinamento Provinciale-PTCP), approved in 2009	Formal plan	It sees the network of tratturi as green paths network and historical landscapes to protect and to improve from cultural heritage point of view. It established an executive plan (Piano Operativo Integrato - POI) as a pilot project	

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
Area Vasta or Local Action Group	Strategic Regional Planning 'Monti Dauni', 2010	Formal strategic document	This document brings together and prioritizes the projects considered strategic for the purpose of improving the quality	
	Integrated Plan of Territorial Renewal (PIRT) (15 municipalities involved) named "the Towns of culture" and funded by Apulia region in 2011	Formal plan	It sees the network of tratturi as green paths network and historical landscapes to protect and to improve from cultural heritage point of view. It identifies the Pescasseroli-Candela Tratturo as an experimental project where testing strategies are proposed	
	Integrated Plan of Territorial Renewal (PIRT) - pilot project area, part of the 15 Monti Dauni municipalities, drafted in 2012	Formal plan	It promote cultural actions in which we can find a specific line of intervention so called 'transhumance ways'.	
	Local Development Plan PSL –GAL Meridania	Formal document	It supports both the exploitation of natural and cultural resources (including the tratturi) and the improvement of the quality of life in Rural Areas. It offer a model of governance.	
Municipal level	Piano Comunale dei Tratturi (PCT - "Tratturi Town Plans") - executive urban plans which regulate using of public areas - Tratturi Town Plan of Anzano di Puglia - Tratturi Town Plan of Monteleone di Puglia - Tratturi Town Plan of Candela	Formal Plans		The real impact that PCTs achieved was simply the definition of zoning of public areas to make them transferable to privates. It dosen't propose network of actions

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
	Master Plan of the 5 municipalities of the area	Formal plan		The impact of the master Plans are simply the definition of zoning of public areas. They don't encourage network of actions
Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention

6 Do You Already Know If You Will Need to Change Existing or Prepare New Formal Documents? If So, Which Ones?

We need to use existing instruments and plans (i.e. the executive plan of the Piano Territoriale Paesaggistico Regionale, the Integrated Programs for Urban Regeneration, the Regional Law n. 1/2013 on cycling mobility, the L.R. 15/2011 on eco-museum) in order to prepare new documents able to support:

- networking of actions (vs existing municipality or sectorial actions);
- network designing (vs current municipal or sectorial designing);
- co-designing;
- reviewing of the POI (executive plan) – Tratturo proposed by the Province of Foggia.

7 Additional Information You Feel You Need To Add To Clarify the Current Situation

There is no additional information provided.