



## **COURSE DESCRIPTION**

### **Administrative law for urban planning and cultural heritage**

**SSD: DIRITTO AMMINISTRATIVO (IUS/10)**

DEGREE PROGRAMME: ARCHITECTURE AND HERITAGE (P53)  
ACADEMIC YEAR 2022/2023

## **COURSE DESCRIPTION**

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## **GENERAL INFORMATION ABOUT THE COURSE**

INTEGRATED COURSE: U4008 - INTEGRATED COURSE OF HERITAGE MANAGEMENT  
MODULE: U4101 - Administrative law for urban planning and cultural heritage  
CHANNEL:  
YEAR OF THE DEGREE PROGRAMME: II  
PERIOD IN WHICH THE COURSE IS DELIVERED:  
CFU: 4

### **REQUIRED PRELIMINARY COURSES**

Nothing

### **PREREQUISITES**

Nothing

### **LEARNING GOALS**

The whole teaching is composed of two under-teachings: urban planning law and cultural heritage law. We will start from the essential notions of administrative law, such as the general principles of administrative activity, the notion of public interest, the subjective legal situations and fundamental rights, administrative act and administrative proceedings and administrative agreements, the so-called "DIA" (declaration of beginning activity) and "SCIA" (certified signaling of beginning activity), kinds and effects of administrative silence. We will then proceed to focus on individual topics, on the profiles of urban planning and cultural heritage.

## **EXPECTED LEARNING OUTCOMES (DUBLIN DESCRIPTORS)**

### **Knowledge and understanding**

The course addresses the issues outlined in the syllabus, in order to provide students with a good knowledge on the territorial governance and spatial planning system in Italy and a good knowledge of cultural heritage law. At the end of the course students will be required to demonstrate the following skills: understanding and analysis of legal problems analysed in class and in the other academic materials (like papers and specific legislation) available on the teaching web-portal. Students will have to be able to finalise the learnt legal notions and the knowledge related to the course's programme for the specific needs stemming from the practical cases discussed in class; ability to find concrete solutions to practical cases. Students will have to demonstrate the ability to identify effective solutions to the identified legal problems, in accordance to the specificities and purposes of the considered legal applicable discipline; basic interdisciplinary skills to solve medium complexity problems concerning urban planning and cultural heritage law; capacity for juridical analysis about an urban project or a specific territorial context; knowledge of the interests protected by the legal system which must be contemplated from the planning phase; knowledge of the protection of landscape, environment and cultural heritage; nature and content of the proceedings of Italian territorial governance and forms of interaction between regional and local authorities and some advisory bodies responsible for planning systems and spatial governance (such as, the so-called "Local Landscape Commission"); spatial governance and planning systems in Italy; institutional reasons of the regional or local authorities' intervention in the field of spatial development and governance; nature of other advisory bodies acting in the field of spatial development and urban planning.

### **Applying knowledge and understanding**

Study of urban planning and cultural heritage management offers the student an overview of theories and methods that permit identification and treatment of urban problems, the institutional causes and possibilities for treatment of these problems. The course aims to develop in students also the following ability: ability to interact between the specialists in legal sciences and the experts in the field of planning, both in the planning and operational phase; understanding and analysis of the various legal skills and abilities both in urban planning and cultural heritage; ability to distinguish the significant characters of a spatial governance and planning system; ability to recognize the main instruments of spatial planning; ability to understand the institutional and operational complexity of spatial planning in Italy.

## **COURSE CONTENT/SYLLABUS**

Specifically, the course's objective is to provide the general knowledge of domestic (1) urban planning law and (2) cultural heritage law. First of all, the course has the aim of providing some general legal notions of urban planning law. The subject of urban planning will be addressed towards the basis and the tools of legal analysis, taking into account the study of juridical profile regarding the govern of territory. Beginning from a methodological and historical reconstruction of the subject, it will be focused the urban planning theme in all his levels. In detail, it will be focused

the general principles of urban planning and programming, also referring to the “differentiated protections”, within the framing of the main and ordinary urban functions; local and regional land-use planning; administrative proceeding for elaborating and developing an urban plan in the Italian legislative framework; the so-called “drop down” spatial planning; territorial coordination plan and general regulatory plan; kinds of urban plans; municipal planning tools and proceedings (the municipal urban plan is the privileged tool for planning and controlling of the urban expansion); integrated programming; the zoning plan; the detailed development plan; public residential housing plan; the (land management) parcel plan; the productive settlements plan; recovery of urban architecture plan; urban regeneration and redevelopment plan; the retention policies of historical city centers; planning constraints to preserve the so-called “differentiated interests” (such as environmental protection and sustainability); the implementation of the urban plan. Secondly, this course is a basic level description and examination of the legal issues raised by cultural heritage in the Italian legal order. The course seeks to develop students’ knowledge of cultural heritage law, raise awareness of the role law plays in the protection of cultural heritage and develop an ability to solve complex legal problems associated with the protection, enhancement and fruition of cultural heritage, such as the circulation of cultural goods and the administrative proceeding for the ‘cultural interest’ declaration.

#### READINGS/BIBLIOGRAPHY

The study materials of the Course consist of (i) the slides of the lectures, (ii) specific papers pertinent to each lecture, and (iii) students’ individual notes. In particular, papers and legislation indicated by the lecturers will be made available in time on the teacher’s web-portal.

#### TEACHING METHODS OF THE COURSE (OR MODULE)

Teaching is organized through 20 traditional ex-cathedra lectures and in-depth seminars on key topics. Every topic will be treated by giving a general framework of the topic itself, the explanation of general principles and the indication of the more relevant information at detail level. Each lecture will include discussions on the presented information, aiming at stimulating the students to undertake a comparison and critical assessment of the presented systems and of their proceedings and mechanisms. The course involves statutory interpretation, case law analysis and a contextual critique of the principal statutes, including the General Administrative Law Act (Law no. 241 of August 7, 1990), the Consolidated Construction Law (Presidential Decree no. 380 of June 6, 2001) and the Code of Cultural Heritage and Landscape (Legislative Decree no. 42 of January 22, 2004, the so-called ‘Urbani Code’).

#### EXAMINATION/EVALUATION CRITERIA

##### a) Exam type

- Written
- Oral
- Project discussion
- Other

**In case of a written exam, questions refer to**

Multiple choice answers

Open answers

Numerical exercises

**b) Evaluation pattern**