

Curreli, Sebastiano; Pira, Cheti

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## TERRITORIAL INTEGRATION AND MARINAS IN SARDINIA

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# TERRITORIAL INTEGRATION AND MARINAS IN SARDINIA

Sebastiano Curreli, Cheti Pira

Department of Land Engineering, University of Cagliari, 2, Via Marengo, 09100, Cagliari, Italy

[sebastiano.curreli@tiscali.it](mailto:sebastiano.curreli@tiscali.it), [chetipira@unica.it](mailto:chetipira@unica.it)

## ***Abstract***

Nautical tourism, considered one of the elect expressions of Italy's offer in the field of tourism, assumes new strategic importance in Sardinia's economic and social framework in the light of the fallout it generates in terms of development and the multifaceted composition of the demand which today characterizes the sector. Such considerations are confirmed by the incidence of the fleet of pleasure craft compared to the resident population, although paradoxically the important marinas are present in areas that are marginal in the panorama of the region's holiday industry. This fact emphasizes the lack of correspondence between an important number of infrastructures - Sardinia is the second Italian region for port infrastructures and berths<sup>1</sup> – and effective territorial integration between nautical installations and inland holiday resort structures. This is to say that it is still quite difficult to interpret the territorial effects of marinas on accommodation facilities.

## ***Summary***

1. *Reform of state rules and regulations concerning ports.* – 2. *Territorial fragmentation and marinas.* – 3. *Evaluation processes and governance of marinas.* – 4. *Conclusions*

## ***1. Reform of state rules and regulations concerning ports***

That territorial governance, as has been specified in numerous rulings of the Constitutional Court<sup>2</sup>, cannot be considered as independent from the planning of infrastructural works, is an indisputable assumption. A reflection concerning the relationship between territorial governance and infrastructures also appears as anachronistic since they are evidently included in it and contribute to the determination of their meaning. However, the decision to present certain explanations is necessary if we consider the way in which Article

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<sup>1</sup> Osservatorio Nautico Nazionale (2010), Rapporto sul turismo nautico, pp. 30-45 and Ministero delle Infrastrutture e dei Trasporti, Dipartimento per i Trasporti, la Navigazione ed i Sistemi Informativi e Statistici, Il Diporto Nautico in Italia, Anno 2009, p. XI.

<sup>2</sup> In all Rulings nos. 307/2003, 362/2003 and 196/2004.

117 of the Italian Constitution, as construed by Constitutional Law 3/2001, expresses itself on the subject, having defined some infrastructures on the same plane as other matters considered separately. The specification concerns “*ports and civil airports*”; that they represent a category specifically identified in the third paragraph of Article 117 of the Constitution – and thus do not belong to “*territorial governance*” – appears at least disputable. It is also “*totally implausible that from the principle of state competence in this matter[territorial governance] such important aspects as those connected with town planning have been excluded, and that “territorial governance” has been reduced to little more than an empty shell*” (Constitutional Court Ruling no. 362/2003).

To make up for this exclusion, the series of motions concerning the planning of ports proposed in a bill to amend Law no. 84/1994<sup>3</sup> put forward in the conference between State and Regions does not appear to be sufficient. In this document the proposal is for each region to adopt a *Regional Master Plan for the maritime port system* which in practice has not met with great success, with the exception of certain territorial realities<sup>4</sup>.

If at first it appears necessary to specify the division of competences as concerns territorial governance, a second category must not be overlooked - one that is the exclusive competence of the state - which the regulations governing ports, considering their transversal nature, deals with as concerns their instruments for implementation: *environmental protection* together with the impacts produced on the environment by the overlapping of powers between state and local administrations.

The reading of the two principles together shows how a regulatory competence - however indirect - can be assigned to the regions as concerns environmental protection, based on the fact that regulatory aspects in sectors that impact directly on the environment are assigned to the regions<sup>5</sup>. Among these is clearly the discipline concerning ports, and in the case at hand the planning of marinas.

In consideration of the so-called *federal reform* of our system of government, of the recent developments in the regulatory framework of landscape planning in Sardinia<sup>6</sup> and in the light of the indications provided by the European Parliament<sup>7</sup>, this contribution intends to provide

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<sup>3</sup> *Law for port reform* (Law no. 84 of 2 January 1994). The text was updated by Law no. 296 (Article 1, paragraphs 996 and 997) of 27 December 2006 (Supplement to Official Gazette no. 244 L of 27 December 2006).

<sup>4</sup> Master Plan “*The Network of Tuscan Ports*”.

<sup>5</sup> The Constitutional Court has several times stated that the systems of regional government can freely adopt measures for environmental protection that are stricter than those prescribed at the national level.

<sup>6</sup> The revision of *Sardinia's Regional Landscape Plan* is based on a participative process under the name of *Sardegna Nuove Idee*, promoted by the Regional Ministry for Local Administrations, Finances and Town Planning, the objective of which is to formulate shared scenarios and the relative strategies for their implementation through agreed-upon and participative landscape planning.

<sup>7</sup> Resolution of the European Parliament of 4 September 2008 on a European ports policy (2009/C 295 E/18), points 11, 12, 17, 18, 37.

some topics for debate concerning the levels of connection and integration between marinas and the territorial systems hosting them.

The situation appears complex and critical in certain areas if we consider the fragility and strategic value of the coastal system. In virtue of the revision of landscape regulations, we are in the presence of an interpretation of coastal areas no longer envisioned in terms of a *physical limit on urbanization*, but rather defined as an economic attraction with a strongly connotative and evocative role. It is within the framework of the composition of the urban landscape and the effects it produces in the territorial and economic ambit that the planning of marinas is called upon to intervene. The regulatory void in the management of coasts and the institutional fragmentation that so strongly characterizes coastal governance greatly amplifies the weakness of such a system and produces clear repercussions leading to a profound fragmentation of the urban and residential tissue.

The overlapping of competences between state and regions do not at present find valid solutions in regulatory instruments for the integrated management of the coasts; the result is usually similar to a reductive interpretation of the *principle of subsidiarity* that envisions local administrations engaged in the forefront in defining new sites for marinas that are totally outside a coherent design of regional port planning<sup>8</sup>. This situation gives way to quite unstable and vague divisions between local policies and localizable interests. Without wishing to reduce the weight of the constitutional principle, its most pithy sense is thought to be found if we state that lacking clear regional and state regulation, competitiveness at the local level becomes a panacea and the solution of all evils, but it leaves in the background the domination of local interests which leads to territorial fragmentation.

As concerns present tendencies, the regions possess a legitimation that finds no correspondence in a coherent production of regulations to reorganize the system of marinas in connection with coastal management and, even less, a capacity to stimulate the state legislator to modernize the discipline of the sector (Vermiglio, 2003). Dictated by the urgency thus created, the recent Bill no. 130/2010 on the reorganization of the *Discipline of nautical tourism and marinas in Sardinia* was proposed.

## ***2. Territorial fragmentation and marinas***

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<sup>8</sup> In its Ruling no. 303/2003, the Constitutional Court was not of this opinion: according to the Court "*the constitutional exigency requiring that subsidiarity shall not operate as an a priori modification of regional competences in the abstract, but as a method for the allocating of functions at the most suitable level [...] It is, for that matter, coherent with the theoretical matrix and the practical meaning of subsidiarity that it acts as a subsidium when a level of government is inadequate to reach the desired objective*" must be preserved.

The phenomenon of urban and territorial dispersion is related to the processes of coastal planning and management, starting from activities connected with port structures for nautical tourism. Such activities reach beyond the confines of local influence and arrive at the level of a vast area and sometimes - when there are the premises for a clustering of the port system - at the regional scale.

Research at its present state is directed towards an examination of the territorial integration of ports in relation to their inclusion in the urban tissue, especially in consideration of the compositional variety that characterizes residential systems in the coastal ambit. Only on the basis of this dependency is it possible and reasonable to proceed to an analysis of the relationship between the port network and the forms of towns so as to better understand what connections there may be between the fragmentation of the urban tissue and the territorial impact of marinas on the environmental, social and economic planes.

The analysis of the Sardinian model does not univocally present important points in terms of influence and integration between nautical structures and the territory<sup>9</sup>, whether it be strongly urbanized and provided with infrastructures or characterized by mostly natural features. What appears instead is a scenario characterized by sharp non-homogeneities caused by contexts rarely defined by urban infrastructures capable, wherever present, of fostering a process of integration at the territorial level.

In this sense the ports, and to a greater extent the structures for nautical tourism, should be interpreted within the category of structural elements capable of reinforcing territorial specificities and not classified as *fragments* of the coastal landscape. Proceeding in an approach by similitudes, we can agree with what was stated by Barberis (2008, p. 40):

the fragments alter the characteristics of the territory through an unbalance in the relationships among its components; [...] the fragments rise in non-consolidated areas where they encounter, in the incompleteness of the urbanization - in the management and their physical form - the element that allows them to "localize" following their own rules.

The port structures in Sardinia devoted to nautical tourism play a still marginal role in the organization of the coastal system; the absence of a logic that links services to yachtsmen to the environmental characteristics and installations in the territorial ambit of the marina

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<sup>9</sup> The scenario that emerges is characterized by a fragmentation of the offer and a profound diversity of the legal nature of the administering bodies as well as a difference in the objectives of concessionaires, both public and private.

appears with greater evidence. When this requisite of a relational nature is lacking, the marina changes its function, going from the potential starting point for integration to a *fragment*, that is, an element that interrupts the continuity of the installed structure.

This reflection refers specifically to public marinas, while the case of private localizations - both in their construction and management - belongs to localizing choices that are often self-referential for which the search for a relationship between the marina and the interior does not appear to be decisive. This is the case of marinas connected to now-consolidated holiday resort facilities which solve the problem of territorial integration by privately providing the services necessary for yachtsmen and sidestepping the weakness of the public services offered by the urban context of reference.

At present the natural features and quality of the landscape of the site are the prevalent characteristics of nautical tourism and involve the territories that passively support localizing choices not uniformly distributed since they are connected to the natural state and the features characterizing the sites. However, the natural and cultural conditions connected with the *resources of the site*, while necessary for the economy of the port system, do not appear to be sufficient since at the international level the phenomenon of nautical tourism is experiencing a process of *de-territorialization* which makes recourse solely to economies of localization insufficient and places the success of the sector within the context of a network in which each node is called upon to provide an offer on at least a super-regional scale.

The extent of economic flows defined by an *a-territorial* matrix (Barbati and Endrici, 2005, p. 111) that condition the relationships between supply and demand for nautical tourism<sup>10</sup> contrast the tendency which in the last few years has defined the growth of this sector in Sardinia. The regional port policy has in fact been contradistinguished certainly not by an opening up to foreign markets, but rather by a logic of a localistic nature, with works lacking a planning authority. Briefly stated, a lack of competitiveness of the sector can be seen; this derives for the most part from the limited propensity to place itself within a unitary and multilocalized network structure (Greco, 2007).

Besides an understandable weakness of the port system, the basic argument points to the need to broaden the field of investigation, searching for the reasons behind such a weakness in a far more deep-rooted crisis in the territorial planning system, which not by accident relegates the question of infrastructures to so-called sector planning in Sardinia. From this

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<sup>10</sup> In some sectors of maritime economy the system of marinas has found a suitable relationship between the shipbuilding industry and nautical tourism, conferring on the territorial areas the appellation of nautical clusters (in particular Versilia, Friuli Venezia Giulia and Liguria). Refer in particular to Tracogna A. (2007), *I cluster del mare*, Franco Angeli, Milano, pp. 39-56.

descends a phenomenon of urban and territorial fragmentation that produces effects on the very arrangements that have generated it which are visible in a reduction in territorial connectivity and an impoverishment of urban quality.

### ***3. Evaluation processes and governance of marinas***

Marina facilities, together with policies and instruments for infrastructural works, cannot be imprisoned in self-referential forms, thus limiting their operations to an offer of nautical services *tout court*. As said previously, the state as the holder of fundamental public powers, including the regulation of *ports* and *civil airports* among the subjects of concurrent legislation, opens up the field to a series of reflections on the opportunities offered by a sharing of roles - state and region - as concerns ports and on what criteria should be applied in the proper governance of the sector. On close examination, the question of *port governance* is a subject that is made intricate not only by the many overlapping competences, but by the very national regulations the objective of which is to simplify it. The principle of subsidiarity confers on the regions and local administrations "*all the functions and administrative duties concerning the protection of the interests and the promotion of the development of their respective communities as well as all the functions and administrative duties that can be located in their territories exercised by any body or administration of the state, central or peripheral, or through authorities or other public entities*" (Law no. 59, Articles 1,c. 3 of 15 March 1997). An exception to this are the functions and duties which owing to physical size and strategic importance require unified planning throughout the national territory. Among these we find, for example, the *large infrastructural networks* (Art. 1, c. 4, letter b), the *safeguarding of the soil and protection of the environment and health* (Art. 1, c. 4, letter c). The decision not to assign to the state the competence relating to *ports and civil airports* which thus is explicitly entrusted to the regions appears disputable<sup>11</sup>. This vision weighs heavily on the dynamics of territorial development and impacts, albeit indirectly, on marinas and overall on maritime economies; owing to a lack of planning, the port in this sense sees its function as a node in the national infrastructural network weakened, with clear implications at the local level. A rationalization of procedures for granting concessions and the use of authorizations granted to the regions would be quite welcome in the light of administrative simplification, but an integrated system of tourism based on local ports lacking super-regional direction is unthinkable. In Heading III of Bill no. 130/2010, which recognizes the

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<sup>11</sup> Exceptions to this are ports of national economic interest and those for national defence and state security identified as class II and class I respectively by Law no. 84 of 1994.

difficulties arising from an overlapping of competences, or worse still from the risk of a void in terms of decision-making, addresses the question of the division of competences between regions and local administrations and between regions and maritime authorities. It also proposes guidelines for administrative procedures, both for public works and those of private initiatives, establishing the juridical status of the works implemented.

The problem of the decisional scale, especially in coastal territorial ambits, appears as a question of great complexity, as we have seen both in the variety of competences - state maritime powers, port authorities and local administrations - and owing to the peculiar environmental delicacy of the context. The decisions to be made require a systematic multisectorial approach, planning instruments and integrated management. In this sense, the procedure of *Strategic Environmental Assessment* (SEA)<sup>12</sup>, if correctly interpreted, should ensure that the environmental consequences of a plan, together with its economic and social aspects, are fully included and taken properly into account, starting from the very beginning of the decision-making process.

In this vision, in the drawing up of plans and programmes the environmental objectives are considered no longer the expression of a sectorial competence but the prerequisite of the planning process itself. The evaluation approach does not place in the foreground the plan or programme of reference, which represents the result to be obtained, but rather the process that leads to its formulation, adoption, approval, amendment and possible revision. A fundamental component of the process is that of participation by means of which all parties in the territory involved in one way or another can contribute to the definition of the plan. Participation becomes fundamental if we consider the marina and the great lack of homogeneity of among the parties involved in it. There are in fact works built and managed by private subjects, others managed by public bodies, usually municipalities or municipalized companies, but there are also cases - emblematic is that of Alghero in the province of Sassari - in which there are several concessionaires competing against each other inside the port. The contribution of the several parties involved in a port is necessary to avoid plans that are disarticulated by the logic of the market and difficult to manage administratively and financially. A suitably dimensioned programme of participation can bring together and cause to interact the institutional or strictly environmental aspects with the managerial, economic and financial aspects.

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<sup>12</sup> Directive 2001/42/CE of the European Parliament and the Council, 27 June 2001, concerning evaluation of the effects on the environment of determined plans and programmes.



Owing to their strategic value, the planning of marinas must be administered at a large territorial scale in terms of the definition of objectives and actions, options, identification and evaluation of impacts on environmental, urban and infrastructural systems. Bill no. 130/2010 is oriented in this direction: Heading II provides for the drawing up of a plan for marinas, necessary for planning options concerning new infrastructures, restoration or redefining functions, location and targets of the structures. In relationship to its effectiveness, the scale of reference is not a secondary aspect of the evaluation. The SEA is in fact to be perceived in its action of coordination in the planning processes, acting as the fundamental instrument capable of promoting sustainability in the context of strategic programmatic decisions (Tarquini, 2002). The scale of strategies as concerns marinas evidently involves the need for a dimension above the municipal level in making decisions capable of maintaining aspects such as mobility, accessibility, services and economies within a unitary and integrated vision. In this sense, greater efficacy would be ensured by a single SEA process promoted in the form of a consortium or entrusted to an administration at the provincial level. This would ensure greater rationalization of resources, both material and immaterial, and a greater incisiveness and understanding of the decision-making process.

#### ***4. Conclusions***

The research - still ongoing - starting from the overall scenario thus delineated has as its specific objective that of defining a planning strategy at regional scale aimed at integrating marinas within the urban and territorial dimension of policies for development. In particular, the intention is to define an investigative model for evaluation with the aim of quantifying the weight that a port system carries in areas where urbanization is not yet completely consolidated and in which urban fragmentation phenomena typical of coastal landscapes prevail. The degree of integration of marinas with urban, environmental and cultural structures will supply the dimension of the efficiency of nautical localizations.

The coming together, but even more the level of integration of the marina into urban and productive contexts - in a word cultural contexts - together with the capacity for dialogue such integration can produce with the natural environment of the sites defines the efficiency and identity of a port. It finds a reciprocal compensative function in a dialogue with the urban settlements with which it can contribute to restoring centrality and providing functional reorganization to urbanizations dispersed along the coastal belt.

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