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Changes undergone by the legal framework of town planning schemes and the evolution of the discipline of town planning. Part I

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The various kinds of municipal town planning schemes (*piani regolatori comunali*) produced in Italy over the hundred years between Unification and the transfer of town planning authority to the Regional administrations are extensively and comprehensively documented in the *Archivio dei piani regolatori generali* administered by the office of the Director general of regional planning development (Dicoter) at the Ministry of public works (now the Ministry of infrastructure and transport). The research project that led to the establishment of this important Archive, assigned to Dicoter by the Triennale di Milano in the framework of the RAPu project in 1999, has made it possible to reconstruct the evolution and development both of the discipline of town planning and of the legal and procedural provisions by means of which the central administration endeavoured to control planning actions. These gradually took shape in a process that started with Law 2359/1865 on expropriation for public use and continued until the 1942 national town planning law (no. 1150), which decreed the separation of land use planning provisions from those concerning compulsory purchase and established the technical and administrative framework, the principles, the contents and the procedures for what came to be defined as *piani regolatori generali* or master plans.

This process can be said to have taken place in three stages, each of which featured specific adjustments, revisions and developments of the framework of laws and regulations relating to urban planning. The first, from 1865 to the early 1900s, is characterized by recourse to rules and procedures featuring a certain stability and to conventional legal instruments that were adapted for the specific purpose of controlling the development and transformation of parts of built up areas. In the second, from the early 1900s to 1942, the traditional forms of regulatory system, the building code (*regolamento edilizio*) and the town planning scheme (*piano regolatore*), were seen to be inadequate and determined efforts were made to devise solutions that were better suited to the new urban planning requirements. As technical knowledge and skills were reviewed and developed in academic spheres and as the effect of this came to be reflected at the institutional level, new types of norms and rules were devised for particular circumstances and special laws for specific cases, anticipating the contents and the characteristic features of the new form of plan that was later outlined by the national town planning law. The third phase, from 1942 to the beginning of the 1970s, was the period of the application of the town planning law, the effect of which was to link up the various measures introduced through special laws for specific cities and to mould them into a single general design, applicable to the country as a whole and based on a hierarchy of plans (a policy that confirmed the centralist approach of previous government institutions, especially during the Fascist period). In line with this approach and with the prevailing attitudes of the legal system of the 1930s, which recognized the interests of the community and gave State bodies responsibility for ensuring they were taken into account, the new law established the general principle that overall supervision of town planning activities was to be the province of the Ministry of public works. Accordingly it placed that Ministry at the head of the public administration hierarchy in this field and thus established an organic system, at least in theory. In actual fact, numerous theoretical and practical problems hindered its implementation over the years, though some of them were dealt with through the application of Law 154/1945, which set out to regulate the activity of post-war reconstruction.

While the attention of the academic and professional elite, especially during 1950s, was directed at the construction of a disciplinary statute for town planning, a theory of the discipline was being developed in juridical circles and represented, to quote Federico Spantigati, the developments in "the rivalry between the emerging school of public law and the school of traditional administrative law" that were to make it possible to supersede "the interpretation that fragmented the systems of norms as a construction of projections of and derivations from other legal frameworks".

Over the century, furthermore, the meaning attached to town planning action changed considerably as the phenomenon of the 'city' assumed new importance. And as its object, the city, in its most basic terms, itself underwent change and only later came to be perceived as a unified whole, albeit with a multiplicity of different aspects, both by the community of town planning architects and by legislators and the legal system. Thus, in this latter sphere, it gradually became established that town planning was a discipline that concerns problems which progressively "rise to the level of socially significant importance and thus warrant consideration and legal control".

The town planning scheme as a special case of the law on compulsory purchase

The reconstruction of the process by which town planning schemes and development plans led to the master plan enables us to explore two partly connected subjects. One is the standardization and centralization of the administrative system decreed by the unification laws of 1865; the other is the transformation of a legal framework, that of compulsory purchase, which was central to the real estate system during the 1800s and which played a changing and gradually less important role as the new town planning order became established. This discipline, which originated as a "sub-section and special case in the 1865 law on compulsory purchase" eventually "acquired the status of an autonomous legal framework" and compulsory purchase became its "corollary and instrument". Underlying this process was the uncertainty of the legislators engaged in the complex task of unifying the administrative and legislative systems of the kingdom as to whether urbanization problems should be dealt with by recourse to the legal framework of compulsory purchase for public utility or by the more conventional route of the building code. Though on the one hand, as noted by Mazzarolli, the procedures governing the enforcement of the 1865 law on municipalities and provinces had included "planning schemes for expansion and for levelling or realigning streets,

squares or public walkways" (art. 70) amongst the municipal responsibilities for building regulations, on the other the very next law, no. 2359 on compulsory purchase, had allowed municipal authorities to adopt planning schemes for the transformation of built-up areas and for the expansion of the city by exploiting the procedures and effects of declaration of public utility.
The decision to base the legal framework for town planning schemes on the matrix used for compulsory purchase rather than that of the building code led to a clash between the procedures laid down by the law on compulsory purchase and those adopted (but never applied) by the new system governing municipal and provincial administrations and thus to a clearcut distinction between town planning schemes and building codes. It is clear from the parliamentary debate that led to the passing of Law 2359 that the explanation for this lies in part in the paramount emphasis placed on property rights and in part in the limitation of powers assigned to the local authorities, which were the subject of complaints concerning their existing regulations governing urban and rural policing, building, public health and a plethora of 'local statutes' containing coercive measures that could be used to override owners' rights to dispose of their real estate as they wished. The amendments to the bill on compulsory purchase tabled by the minister Pisanelli in 1864, introduced to take account of criticisms made by the parliamentary commission charged with reporting on the bill for legislative unification, that the regulations concerning the transformation and extension of built-up areas in the original text were too detrimental to property rights, help to clarify these points.
The regulations laid down under headings VI and VII of the general law on compulsory purchase (no. 2359) established a legal framework for town planning schemes that was not altered until the issue of the national town planning law of 1942. Thus it was no longer possible to apply the legal provision whereby regulations governing town planning schemes and development plans could be based on building codes. The provision was formally abrogated when the law was reviewed for the first time and the procedures for enforcing the law on municipal and provincial authorities were approved and included in the 1889 Consolidation Act.
The period covering the end of the XIX century and the beginning of the XX was thus characterized not only by the extension of municipal functions and responsibilities to include public health, roads and traffic and building but also by the creation of separate offices with responsibility for drawing up and implementing town planning schemes on the one hand and for inspection and supervision of all building activities on the other: the technical office and the building commission (which replaced the *Commissione di ornato*).
Of the amendments introduced into Pisanelli's bill, the most significant was the requirement that town planning schemes had to take the form of detailed land use plans before any declaration of public utility, so the compulsory purchase procedure became necessary rather than optional as before. Another amendment abolished the obligation to draft a planning scheme since it was "held to be inopportune for general rules to be issued for a subject that needed to be considered case by case, in relation to the requirements of the large cities", and left the decision up to the local administration; and a distinction was introduced between town planning schemes, which were admissible only for larger communities (with a population of at least 10,000 inhabitants) and which had to provide for the salubriousness of the urban environment and for communications by rectifying cases of 'faulty arrangement of buildings', and development plans, which could be drafted for any municipal authority that could show an objective need to expand. The purpose of development plans was to control and protect areas destined for expansion and, by contrast with town planning schemes, could also be concerned with ensuring that the layout of built-up areas was 'convenient and decorous'. The public utility factor had also to be demonstrated before an authority could legitimately proceed to draw up plans and it had to relate to concrete existing needs, not to potential future needs; and a deadline (no more than 25 years) was introduced for the implementation of plans.
Town planning schemes devised under the terms of Law 2359 therefore represented a special case of compulsory purchase; they could be drawn up only in relation to current needs and could be considered as a more direct derivative of alignment plans, which gave rise to corresponding easement rights. That the real essence of the plan and its *raison d'être* lay in the easement consequent on alignment was reiterated on the occasion of the first attempt to reform the law on compulsory purchase, which was backed by the Secretary general of the Ministry of public works in 1912 but which never progressed beyond the study stage.

The limits of town planning schemes devised with reference to the legal framework for compulsory purchase

It can be said that little use was made of the provisions of the law as regards the drawing up and implementation of town planning schemes. Up to 1900 formal approval was issued for around 750 town planning schemes (focusing on new construction in built-up areas, expansion and rehabilitation) and their updated revisions, over 200 of which concerned just seven large cities (Turin, Genoa, Milan, Naples, Rome, Florence and Palermo). The pattern was repeated in the two decades up to 1920, with decrees of approval being issued for around 450 schemes, 82 of which concerned the three cities of Genoa, Roma and Turin. Between 1865 and 1920, Genoa alone requested approval for 80 schemes and their updates, for new building, expansion and rehabilitation in distinct parts of the city, while transformation in Turin between 1865 and the end of the XIX century was governed by 63 plans (and their updates) again for specific areas of the city. It was not until 1906 that Turin decided, also in response to heavy pressure for increased housing, to draw up a 'single' town planning scheme, which was approved by law in 1908 and attempted to connect the various areas where expansion had taken place to each other and to link them to the many districts that had grown up outside the urban area in the meantime.
There were many reasons for the limited recourse to the law on compulsory purchase. In the first phase of application of the procedures concerning town planning schemes the main factors seem to have been a lack of technical preparedness on the part of the municipal

administrations, which were now responsible for the drawing up of the scheme, and the excessive burden that massive public works projects would have placed on local finances. Another factor, which emerged later, was the inadequacy of the law itself, which was not, for example, accompanied by a decree containing a set of rules and criteria for use in drawing up schemes. In particular, the law failed to define the nature of the schemes, gave little information about their intended contents and how they were to be drawn up, was vague about regulations for unbuilt areas outside the areas where development was permitted, gave a controversial interpretation of the limits on compulsory purchase, especially in cases where it was extended to areas needed for the construction of public buildings, and failed to identify clearly the authorities responsible for supervising the matter and the prerequisites for completion of the legal transaction. Yet another important factor, perhaps the most important and one that prompted the creation of various administrative procedures and different juridical interpretations, was the separation of the two legal frameworks for urban planning issues, those of the building code and the town planning scheme, together with the central authority's determined attempts to reduce the limitations of property rights established by both.
Revitalization of the building code did not really take place until the issue of the Sicily-Calabria earthquake law of 1935, whose provisions concerning building regulations tended to constitute a set of rules governing building activities; this "led to increased use of these instruments and the trend was consolidated by the 1942 town planning law that made it compulsory for all municipal authorities to issue a building code".
As regards town planning schemes, the main problem that emerged in relation to planning control over building activities, also as a result of the initial phase of expansion of the large cities, concerned the possibility that further limitations on private property rights, those included in schemes for built-up areas and for expansion as well as those already consequent on alignment, might be introduced through this legal framework. The issue prompted divergent opinions and the public administrations adopted a variety of approaches. In general, schemes drawn up in accordance with the provisions of Law 2359 were accompanied by a set of implementation rules, a sort of special procedure applied to the area covered by the scheme. As regards their contents, positions varied from those who maintained that a town-planning scheme should consist of no more than outline indications (thus reflecting the judgements handed down in several High Court cases) to those who were more inclined to give priority to the interests of the community as a whole and allow, in the case of the construction of new neighbourhoods, the inclusion of directives concerning the mass and density of buildings. There was also the position, one that found considerable favour in legal circles, of those who maintained that the scope of town planning schemes should not be extended to include provisions other than the outline indications already included but that the 25-years duration limit should apply only to compulsory purchase actions and not to easement consequent on alignment.
It was, however, generally acknowledged that provisions annexed to a town planning scheme and not conceived as an integral part of it should be understood as building codes, even though they had a particular field of reference. In this case, they could continue to have binding force even after the scheme was no longer enforceable.
In normal administrative practice it was possible to encounter examples both of provisions annexed to a town planning scheme and approved via the same decree and also of provisions approved as if for building codes. In general, in order to speed up the approval of schemes and to simplify the relative procedures, it was agreed initially to allow the government authority to approve the implementation procedures of schemes adopted by municipal councils. Later, in particular during the 1930s, the technical implementation procedures were approved in the same way as the town planning scheme itself.
The frequent recourse to provisions that appeared only in updated versions of approved schemes, the *routine* practice of authorizing municipal authorities to reiterate restrictive orders imposed by one scheme and have the second scheme approved before the first ceased to be operative, the common practice of drawing up sections of a scheme for specific zones before definition of a more general instrument (especially in the main regional capitals), the long and complex processes associated with development actions in particularly strategic urban environments and results of transformation action that were not always consistent with the intentions of the scheme and with the demands of public decorum, these were just some of the problems that ensured that town planning schemes were eventually subjected to the same general rules as those that the law already applied to the planning of work requiring the compulsory purchase of real estate. This involved the drawing up of a broad scheme designed to create a general framework for the work to be done, at least an indication of the areas involved and the alignments. This preliminary procedure would be followed by the creation of implementation plans whose function was to establish the details of the work and the constraints to be imposed on the individual properties. This procedure enabled the municipal administrations to carry out closer studies of the areas involved in relation to requirements stated during the stage of approval of the broad scheme and later.
The distinction between the two types of plan was not however the same as the differences between the two procedures provided for in the provisions for compulsory purchase for the purpose of public utility (even though similar names were used). According to Law 2359 the two plans were identical in nature and both embodied projects for work in the public interest. The first, a non-specific document required as a condition for the declaration of public utility, contained only a general description of the work to be carried out and of the real estate needed and stated the constraints on the owners that derived from the obligation of alignment. The other was more specific and had to be presented before any compulsory purchase order could be issued; it figured as a detailed version of the first document and included execution plans for the work to be done and a precise definition of the real estate to be compulsorily purchased. Having basically the same nature, the broad scheme and the detailed execution plan could be brought together as a single document or, as happened more often in practice, the

detailed plan could replace the broad scheme altogether since the compulsory purchase order could not in any case be issued without it.
A formal distinction between the broad scheme and the execution plan was made for the first time for the general town planning scheme for the development of Milan in 1912; the scheme was approved via a specific law, no. 866, and the same approach was subsequently applied to the schemes for other cities. This distinction introduced the possibility of drawing up two instruments of a differing nature: one a general document dealing with the entire built-up area of a municipal authority and/or the areas of intended expansion and containing an overview of the projected layout and the town-planning development of the urban area; the other an execution document detailing all the work expected to be completed in a certain area and within a given period of time. It was this latter instrument, which included both the declaration of public utility and the designation of the real estate to be compulsorily purchased, that was the prerequisite for the issue of a compulsory purchase order. Thus the broad scheme no longer needed to define the implementation period and examination of private property owners' opposition was delayed until the implementation of the execution plan; however, the limitations deriving from alignment, which in this case had the same duration as the scheme, were retained.
This approach, which had also been urged by some of the leading municipal experts engaged in planning and executing large urban transformation projects, involved the adoption of different measures matched to the duration and impact of the various broad town planning schemes and of several different procedures leading to approval of the detailed execution plans. It therefore gave rise to a number of heterogeneous instructions, which generated confusion and contention and ultimately failed to achieve any real simplification in the formalities that had to be observed before it was possible to progress to the execution plan.

Exceptions to Law 2359 and the creation of 'special regimes'

The need to modify and regulate the legal framework for town planning schemes had already been voiced in the 1890s both by jurists and by technical experts. An opportunity to draw attention to the inadequacy of town planning schemes understood as statements of road layouts and indications of alignments and adjustments came with the architectural section of the first Italian exhibition to focus on building plans, held in Turin in 1890. Here, as Vittorio Zucconi writes, comparison between Italian practice and the most important foreign experiments led to "the first exploration of planning techniques that had already been codified by the legislation and the administrative practices of other countries". In particular, the new approach involved the first changes to the conception of town planning technique, changes that heralded the new prescriptions and techniques of zoning.
In effect, though they were still associated with attempts to bring built-up areas into line with hygienic and aesthetic criteria, zoning provisions were brought in from the first decade of the XX century through the introduction of specific laws approving individual town planning schemes. These authorized the government to endorse special building codes designed to ensure control of the transformations proposed.
Also towards the end of the 1800s, in the context of lively controversies between modernizers and conservatives, the shortcomings of Law 2359 were exposed, especially those arising from Art. 86, which made it impossible to introduce into a town planning scheme restrictions or constraints that arose from causes other than those envisaged by the scheme; thus any transformation work of an aesthetic nature or concerning archaeology or landscape was excluded.
1889 saw the establishment of Regional commissions for antiquities and fine arts; these led in 1902 to the creation of decentralized State offices, the Superintendencies, which were given responsibility for the protection of monuments, in place of the municipal authorities. Later measures to protect items of artistic or aesthetic beauty, landscape and the archaeological heritage tended to be designed to defend specific public interests and requirements from the threats posed by urban development and gave the Superintendencies a safeguarding role during the execution phases of town planning schemes, though their authority did not cover improvements to private property.
These measures, which made the Superintendencies responsible for protecting catalogued items of cultural property by means of restriction orders and which involved a complex procedure for the approval of town planning schemes covering municipal areas containing such items, prompted discussion of the important question of coordination. This led to a division of authority that in turn became a prime cause of fragmentation: what developments in town planning had come to express as a single problem became increasingly broken down into multiple sectoral issues.
In a situation where the traditional legal frameworks of the building code and the town planning scheme, both severely limited in their field of application and in the focus envisaged by the law, no longer provided the means to development and transformation demanded by many urban centres and where a more restrictive approach was needed in relation to private property, the response was dual: on the one hand a series of measures designed to control the transformation and extension of built-up areas (in relation to their aesthetic appearance and improvements in sanitary arrangements), and on the other, approval of town planning schemes via special legislative provisions.
This combination of responses and the institution of the practice of making exceptions to the law on compulsory purchase whenever a scheme required more complex control showed the government's determination to tackle the obvious inadequacy of conventional instruments by devising a general law to replace the legal frameworks that had been in place since 1865.
A crucial contribution to the emergence of a *ius singolare*, in the sense of the derogation of the principles embodied in the legal code, came from the experience gained in developing special legislation during the first decade of the XX century, a typical example of which was the emergency measures adopted to deal with the effects of the earthquake that struck Calabria and Sicily in 1908. This experience, which included the devising of experimental legal frameworks and innovative

procedures, constituted a workshop of fundamental importance for consolidation of the government control procedures that proved in the following two decades to be one of the most significant legacies left by the later Giolitti administrations. The most obvious and lasting result of the new legislation was a weakening of the abstract and universal nature of the law and the establishment of legislative provisions designed to control specific situations by means of targeted ad hoc instruments and technical solutions. In fact the special legislation, writes Guido Melis, "proceeded by stratification, first rooting legal frameworks and procedures in the legislative system and then gradually expanding and developing their influence through subsequent measures".

The main issues tackled by means of legislative measures and through legislative reform projects

In addition to the already mentioned problem of the distinction between broad town planning scheme and execution plan and the important issue of the need to uphold the dignity and aesthetic character of the city, other questions that emerged as soon as Law 2359 began to be applied included some that were dealt with by separating regulations governing town planning schemes from those concerning compulsory purchase; the separation was eventually given legal sanction by the national town planning law of 1942. In particular, these questions concerned the distinction between schemes to regulate building in existing built-up areas and schemes to control expansion and development areas, and thus the admissibility of schemes focusing on the future needs of urban communities; the possibility of drawing up town planning schemes also for municipal areas with populations below the threshold set by Law 2359; the advisability of making it compulsory for more densely populated areas and for those with special characteristics to draw up a scheme; the need for schemes to identify areas destined for public buildings and facilities and to introduce prescriptions concerning zoning; the right of property owners to forgo payment for areas destined for the creation of roads and squares; the right of municipal authorities to use compulsory purchase orders to acquire areas designated for development in their scheme at less than market values and the possibility of proceeding to execution of the scheme through the creation of what were called *comparti edificatori* (these were specifically defined areas within which building activity, involving transformation and/or new construction, could be carried out in order to create the new street alignments provided for by an execution plan).

While some of these problems were tackled, albeit partially, with measures for special cases or for specific needs, others were dealt with by targeted provisions, contained within the various legislative measures embodying approval of town planning schemes, that tended gradually to become more and more generalized, to the point where they constituted the closest precedent to the national town planning law.

As regards the inflexible distinction between the two types of scheme (to regulate the transformation of existing built-up areas and to control expansion and development areas), in practice the municipal administrations adopted an extensive reading of the law, drawing up plans for the entire built-up area and at the same time taking its development needs into account. By contrast, in the theoretical considerations developed by an elite group of engineers during the first two decades of the XX century, this conceptual distinction was not only reproposed but also became the object of various technical planning approaches.

Further confirmation of the separation between existing built-up areas and development areas came from measures designed to make good certain omissions in the provisions concerning building regulations and town planning schemes. These included the 1903 law on public housing which, by presenting itself as what Zucconi calls a sort of "national-scale, superregulation for building" established "the principle of separation that subsequent measures tended to exacerbate".

The vexed question concerning the indications to be included in planning schemes of the areas designated for public buildings or facilities, as a safeguarding action designed to place a temporary block on building activities deemed to be incompatible with the designation assigned to such areas, was tackled for the first time with the approval of the 1931 town planning scheme for Rome. Analogous approaches were later adopted in the schemes for Milan, Naples, Jesi, Reggio Emilia and Bolzano.

The introduction of zoning prescriptions into town planning schemes had followed a similar pattern and here too the provision had first been introduced into schemes approved by special laws and into the relevant general regulations and technical prescriptions. Thus zoning was presented not only as the delineation of areas within which buildings had to have certain characteristics, but also as a functional sub-division of the urban built-up area and as an indication of land-use criteria for its various parts.

But though there seemed to be little opposition to a restrictive conception of zoning, understood as a sub-division of the urban built-up area through which the nature of permitted building activity and the constraints upon it could be established, there continued to be strong resistance to proposals for comprehensive zoning. Zoning, that is, where areas identified as destined for public services involved a complete ban on what had previously been conceived as the only possible utilization of privately owned areas, i.e. their exploitation for profit through building activities. And the resistance was stronger still if the zoning proposals outlined in the broad scheme were not subject to any time limits.

Another procedure that had initially been put into practice via a special law was the right granted to municipal authorities by the Consolidation Act no. 2318/1919 to use compulsory purchase orders to acquire not only areas needed for work provided for under Law 2359 but also building areas designated in the town planning scheme for the construction of low-cost and public housing.

Similarly the procedure whereby the proposals of the town planning scheme were put into practice through the creation of comparti edificatori, i.e. units comprising a number of buildings belonging to different owners but considered inseparable for construction purposes because they fell within transformation areas involving entire building nuclei, was first introduced through the Consolidation Act that fused the laws enacted following the earthquake in Calabria and Sicily. The legal framework for the comparto, which also appeared in the draft

'general town planning law' presented by a specially appointed Commission in 1933, was given definitive form by the national town planning law of 1942.

Towards a new town planning law

Taken together, the special laws embodying approval of various town planning schemes brought into being new technical and legal instruments that became progressively stronger in passage from one law to another, introducing new elements and features that ultimately changed the original structure of the town planning schemes.

A substantial revision of the legal framework of town planning, incorporating both the innovations introduced by the special law granting approval of the scheme for Rome and the demands of the academic-professional elite of Italian town planning architects, municipal officials and professional bodies for adjustments that would take account of the new problems posed by urban development, was undertaken by the Commission appointed by the Minister of public works, Araldo di Crollalanza, who had been an under-secretary at the same ministry during the drafting of the scheme for Rome.

The resulting bill, with its distinction between regulations concerning town planning schemes and those governing compulsory purchase for public utility purposes, was the first to establish the principle of a separate legislative identity for town planning.

Though the town planning scheme continued to impose a series of restrictions on building work carried out on private property it was no longer conceived solely as a public works project to be carried out within a certain period. It now performed a new function as a guide for the public administration and the private sector as regards the transformation and development of built-up areas, with a view to providing the best possible framework for ensuring improved living conditions for the population.

In an attempt to respond to the demands emerging from the debate of the previous years and to bring together the many town planning measures scattered amongst various laws and special provisions, the Commission set specific norms for the preparation, contents and execution of the town planning scheme. These sanctioned the principle of the unitary nature of the town planning instrument, abolishing the distinction between the two types of plan established by the 1865 law and confirming the division of the new procedure into two stages. And given the positive results of the experience of schemes being approved via specific legislative measures, the Commission endorsed the advantages of avoiding a situation where the town planning scheme had immediately to take the form of a comprehensive programme with detailed plans for every aspect of its proposals. What was required was a programme containing general directives, so restriction orders on private property would need to be issued only when the operations concerned had received formal approval from the public administration.

Hence the proposal that the scheme be drawn up in two stages. The first involved the drawing up of a broad-based general plan with guidelines as to how it was intended to develop the entire built-up area, indicating the network of major road and rail infrastructures (showing how the plan catered for the area's needs in terms of traffic, sanitation and decorous layout) and showing the spaces reserved for public use and zoning arrangements. This latter aspect was to define the characteristics required of buildings in the various districts so that owners could at any time take action to bring their properties into line with the prescriptions of the town planning scheme. The second phase involved the drawing up of detailed land use plans, containing precise details of any restriction orders and specification of the characteristics and extent of each operation. For the first time the areas out-side the built-up districts were also taken into consideration in compliance with a general directive that opened the way to laying down rules for the protection of landscape in the non built-up parts of the municipal territory.

Altogether the bill drafted by the Commission, which was underpinned by the idea of the town planning scheme as a 'rational' instrument for the management and control of urban development, was not only one of the most advanced contributions to the town planning culture of the period but was also the expression of a carefully appraised mediation between the demands of the town planning architects and the interests of private property owners.

However, this proposal too was destined to suffer a similar fate to that of previous attempts to reform the law on compulsory purchase. Discussion of a new town planning law, on the basis of the draft bill presented in 1933, was taken up by the Ministry of public works Commission appointed for the purpose in 1941. As well as representatives of the central administration and of the professional and other bodies most closely involved in the subject, members of the Commission also included some figures who had taken a leading part in the earlier experience.