

# CONTESTED LANDSCAPES. CONFLICTS OF INTERESTS AND CONTROVERSIES IN PLANNING AND USING SPACE

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*This paper sets out to explore the relationship between planning and conflict in the use of space, and to reflect on the ideas underpinning transformations of the territory, beginning with the relations existing between projects and policies, since planning decisions are a statement of something more than just organizational projects for space. In an urban realm where the market increasingly swallows up space, contributing to shaping form and functions according to a profit-based logic, battles are sometimes waged to defend public goods. The paper deals with the case of two areas at the center of controversies and disputes related to divergent interests, which spring from totally different points of view on space and the role of the assets shaping the landscape. The contrast is illustrated between the logics of a market based on the pursuit of economic gain to the detriment of social construction, and the right to a collective heritage, with the aim of asserting the need and possibility to go beyond the logics of individualism in planning.*

**Key words:** *conflict, revenue, collective interest, Tuvixeddu, coastal territory of Sardinia.*

## CONFLICTS ON SPACE MANAGEMENT

As Lefebvre (1968) pointed out, space is a social, even before physical, product of human action, since it contains very different objects, which are not just things but rather relations. In other words, much more is contained in it than a series of tangible elements, so it is more an instrument through which to understand social dynamics, rather than an end in itself to such knowledge.

In this sense, space cannot be considered a (physical-geographic) fact that can be evaluated independently from the use made of it, since it consists of the set of relations inherent in this use, and the (social, economic and socially defined) rules that guide and give meaning to these relations, incorporated in the space as it appears to empirical observation. Interests and different expectations focus on it that make it a battle-field where different forms of power and various forms of resistance confront each other. Space management is a highly complex factor that involves customized interests and visions, and many, diversified stakeholders, with a high political, social, economic and environmental impact.

So it is decidedly more than a simple bureaucratic exercise and cannot be solved simply by a trial of strength. Although space has always been at the center of conflicts and struggles, episodes of intolerance and friction mainly related to form, use and fruition of space are multiplying. These underpin a more general problem of rights as regards choices for space in relation to the various interests that come into play (Le Galès, 2002).

The widespread belief that ownership of a property allows one to do whatever one wants with it involves the need to find the direction that not only respects individual freedom, without compromising that of others, but also creates points of encounter through the protection of collective goods.

The literature has increasingly faced this question from different viewpoints promoting one or other aspect (Morrissey and Gaffikin, 2006). Recent decades have seen a wealth of literature on cultural geography regarding identity, codified culture, the public sphere and the formation of space (Harvey, 2000; Zukin, 1995). Other contributions have explored the blurring of boundaries between public and private in the built environment (Madanipour, 1999), the connections between real, metaphorical and cyber-space (Graham and Marvin, 1996), recognizing that there are

social processes involved (Featherstone and Lash, 1999; Gregory and Urry, 1985) and non-material factors such as religion and ethnicity that play an important role in conflict situations (Sandercock, 1998). Growing attention has thus developed for the complex connections between space, values, identity and politics (Tajbakhsh, 2001).

Nevertheless, these situations constitute a theme not yet sufficiently explored, though highly stimulating for the discipline and more than any other issue, therefore, a challenge and unknown area for mediation between parties, to grasp their reasons and evaluate their coexistence.

In this paper the term 'contested space' refers to a space where interests and ideals collide, revealing totally different ways of looking at territorial planning: one that makes the territory a resource to exploit, and the other an asset to share. To this end, it reports on two cases that are the expression at different scales of the same form of contested space where the conflict focuses on the clash between two powers, economic and social, and which, through the manipulation of management instruments, pose questions on fairness and access, the right of decision and the right of action, the benefit of a few, compared to that of many.

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## DOMINANT INTERESTS

In urban transformation one of the most important, decisive conflicts is actually that between land use value and exchange value, in other words, between a vision that considers the city a good and one that interprets it as a commodity. The features of this conflict can be summarized in the antithesis expressed by the dichotomy economic value/social value, between the city producing revenue and the city of the community (Neuman, 2005; Salzano, 2011), where the latter includes not only the city in the strict sense but also the "country" in the traditional sense, i.e. both the urban and rural territory. Urbanization processes driven by the logics of real estate development have crossed the boundaries of the historic city, mostly producing scenarios characterized by poor urban quality, fragmented and untidy, ignoring the environmental sensitivity of the territory, and unfinished from the viewpoint of creating urbanization works, for they implement inconsistent and questionable construction principles and features. They are devoid of space for public use, with little attention to forms and ways of including the pre-existing elements, both physical but also symbolic - all typical elements of uncontrolled development, which consumes resources, assets, energy and land following a mechanism that has ended up becoming one of the main causes of most of the current urban problems. From this standpoint, the territory is considered and used as a tool by which to increase the wealth of owners, just as the city becomes, on a smaller scale, a machine, constructed and maintained over time by the community to increase private income.

In Italy the transition from a critical view of urban income to full adhesion to it took place in the early Seventies, when private appropriation of income (financial and property) became the predominant component of the gains made by those managing capital closely intertwined with profit, thanks also to land speculation prompted by national policies (Tocci, 2009). But overall, it was a global trend that led to a drastic change in the role of the city as regards the economy in other contexts, too. So nowadays modern cities are the spatial image of real estate speculation.

Spaces, services, equipment and common functions around which the city of the past and during the period of the welfare state was created and organized, were at the center of attention and organizational efforts; they became a problem, being an obstacle to speculation, as were the instruments to regulate territorial government (Sorensen, 2003).

The land use plan has the power to influence the land market and real estate prices through the allocation of development rights, identification of use, zoning, construction of public works, infrastructure and primary and secondary urbanization, and to change the rules according to which the market acts (Lai *et al.*, 2011). However, at the same time, market and land use appear to be the conditions within which the plan is drawn up and has to work. If the plan affects land use and real estate (land and building), the contrary is also obviously true.

It is more and more difficult to find urban plans that oppose urban transformations leveled out on economic exploitation of the territory, for the benefit of a few. However, this does not mean total adhesion. This paper proposes two correlated Italian case studies to discuss these issues. The first concerns the conflict over the urban area of Tuvixeddu (Cagliari, Sardinia), the second over the coastal territory of Sardinia.

## TUVIXEDDU. SPECIAL EMPTY URBAN SPACES

The long-term affair of Tuvixeddu is a complex matter that still cannot be considered finally resolved and has involved the Sardinian Region and the Tuvixeddu Municipality for years in a controversy consisting of a sequence of legal disputes and political clashes. The case is significant for at least two kinds of reasons: it has involved both public and private interests, apparently divergent, and has seen two public bodies lined up in diametrically opposed positions, which have collided, one to defend the right of private building and the other the public right to enjoy space. The former sees great economic potential in an abandoned space in the inner city resulting from a redevelopment project based on building, and landscape heritage as a resource to be exploited, while the latter promotes the opposite idea of an empty public space which will become a garden for the entire city, recovering the strategic role that naturally belongs to it.

The area of Tuvixeddu, situated on one of the hills characterizing the geomorphology of the city of Cagliari, and defining its environmental structure and historical roots, hosts one of the largest Punic necropolises in the Mediterranean, but has nevertheless always been a "waste" area. Swallowed up by urban development over time, which saturated the center and expanded over the nearby hills, it was used for most of the Twentieth century as a quarry, the premises of a cement plant of which some signs still exist today, slowly leveling out the hill by the extraction of

limestone for use as a raw material for building in other parts of the city. It then became a no-man's-land at the disposal of the homeless in more recent times, to return to the center of attention on the city scene due to the huge economic interests and speculation that sprang up over a large construction project of approximately 272,000 m<sup>3</sup> in the area close by, and the strong reaction that followed. The dispute that ensued to determine the future of the area and establish whether it was possible to build there has lasted for more than ten years, dividing the opinion of the citizens, and is a striking example of a conflict over the concept of public good and private law.

The very delicate issue, considering the interests at stake and high visibility the case took on over the years, made the latent potential of a forgotten area be rediscovered right in the city center. An area which is among other things in between two opposite realities: on the one hand, an elite residential zone characterized by very high real estate values and, on the other, a popular area running over the hill on the opposite side till it reaches the edge of the first.

This rather complex story can be summarized in some key passages that trace the main stages of the conflict (Figure 1). In 2000 the Municipality of Cagliari, together with the Sardinian Region, signed an agreement with private individuals that allowed the latter to proceed with building on the area near Tuvixeddu according to a project approved in 1997 after a long period of controversy, also to try to end a dispute arising from expropriation in order to construct some social housing and settle the respective debt incurred. The area covered by the planning agreement was some 48 hectares, entirely private, a part of which (34 acres) was yielded to comply with urban planning standards and to create a park. Within that area lay the necropolis itself, bound under a series of regulations and finally by the "Codice Urbani" ('Urbani' Code). The project envisaged 350 apartments and villas, a student hostel with 450 places, a restaurant with a conference room, an archaeological museum, an archaeological-environmental park and general/university amenities. Overall, it configured the construction of a luxury residential area near the necropolis.

Work began in 2003 but in 2006 the Region suspended the agreement on the grounds of the *Piano Paesaggistico Regionale (PPR)* [Regional Landscape Plan] having been approved, which among other things envisaged an extension of the area up till then under restriction. From that moment a long conflict

began to decide the fate of the area. The Region passed some decrees to stop the work. The Municipality opposed them and lodged an appeal with the *Tribunale Amministrativo Regionale (TAR)* [Regional Administrative Court] claiming the Region's illegal intervention. The Region responded, appealing directly to the Ministry of Cultural Heritage for a restriction to be established that would protect the whole area and prevent any form of building. Shortly after the Region imposed a halt on all building permits for the area both pre-and post-PPR, and proceeded to suspend the work that had in the meantime resumed. The constructor then appealed to the TAR, too, in an attempt to invalidate the block. In February the Region withdrew the suspension but at the same time established the '*Commissione di Tutela del Paesaggio*' [Commission for the protection of the landscape], which endorsed the statement of public interest in the area. The works were thus stopped once again.

Also in 2007, the Region instructed Gilles Clément to submit an alternative project for the

area. His proposal was radically different from that advocated by the Municipality and promoted by the company Coimpresa; the landscape designer envisioned a "planetary garden" with autonomous management (energy), no building, but enhancement of the three components - historic, industrial and ecological - that had influenced the life of Tuvixeddu.

The company lodged an appeal against both measures. Public opinion and the public authorities were divided in two, on one side the Regional and Provincial Authorities, together with some environmental associations and the support of a group of intellectuals and, on the other, the Municipality and private companies.

In 2008 the Sardinian TAR ruling was issued, which canceled the restriction and resolutions of the Regional Executive, deeming them subject to procedural defects and indeed nullifying the protective provisions stemming from the Regional Landscape Plan.

The Region appealed in turn against the TAR sentence, challenged the judgment of the Sardinian Administrative Judge, where he had

accepted the grounds for recourse by the Municipality of Cagliari due to the Tuvixeddu-Tuvumannu complex being one of the "areas with pre-existing historic-cultural value" protected pursuant to the PPR.

In July 2009 the Architectural and Landscape Heritage Superintendence placed a new restriction: a large area of the hill was an "industrial mining complex to be protected".

In 2011 the Council of State accepted the appeal submitted by the Region, declaring legitimate the constraints imposed by them and confirming (as the TAR Sardinia already had) that the Region could, through the landscape plan, justifiably provide specific discipline to protect areas of environmental and historic-cultural value.

This ratified the final withdrawal of the original project though it opened up new issues: the revision of the urban plan and the planning agreement, and the fate of the necropolis in the event of cancellation of the planning agreement.

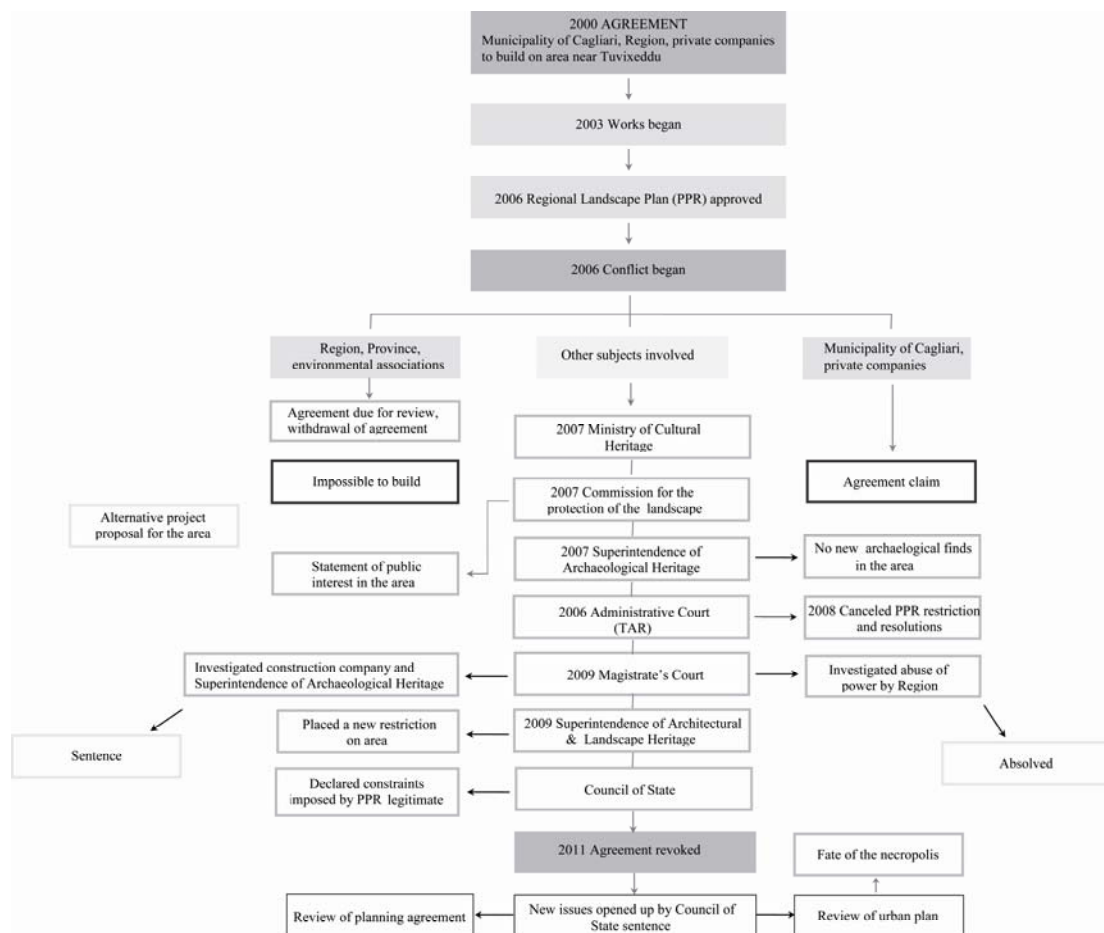


Figure 1. Key elements of the story of Tuvixeddu. Source: M. Balestrieri

## THE COAST. SPECIAL TERRITORIAL GAPS

The conflict over the coastal areas of Sardinia is also inextricably linked with the above-mentioned PPR. The Plan proposed a new model of tourism that was also a model of economic development, based on the protection of the uncontaminated coastal landscape and enhancement, also in terms of building, of the inland areas. At the same time, it represented a clear stance from the point of view of stating the roles and relationship between local autonomous governments and regional/national governments. It posed, in fact, a key question, among others: who should take the lead in protecting the landscape? In this sense the plan is the experience of a Regional Authority that has asserted its role and invested in a development policy putting the issue of the common good at the center of the debate. It is certainly one of the most interesting recent planning experiences in Italy for its "experimental" nature, both because it was the first landscape plan approved in accordance with the provisions of the 'Codice dei Beni Culturali e del Paesaggio' [Cultural and Landscape Heritage Code] (Legislative Decree 42/2004), and for having followed a path consistent with an innovative model of development and economic growth. But the clear position of coastal strip protection in a region that has grown from an agro-pastoral economy to one based on services, especially tourism, has led to a battle over the coasts and their exploitation.

The conflict that has ensued can be described by summarizing the events that led to the approval of the plan and involved opposing factions of the Region, coastal Municipalities (though not all) and the government. In order to remedy the chaos of the construction sphere along the coast caused in October 2003 by the decision of the TAR to reject, at the request of environmental groups, landscape plans approved by the previous Executive, in August 2004 a Regional Executive Decree called the "save the coast" decree was passed. It placed a limit to safeguard the shores by banning any building within a range of 2 km from the coastline, even where concessions had already been given, pending definition of a Regional Landscape Plan.

The decree preceding the subsequent plan raised a series of disputes between opposing political factions but also within the majority that had launched it, and immediately met opposition from mayors of coastal Municipalities, seeking to oppose the decree by submitting an appeal to the TAR to proceed with canceling it. But the

TAR confirmed validity of the decree, which became law (Regional Law n. 8 of 25 November 2004) and was then renewed for one year, until the PPR had been drawn up. All building activity along the coasts thus stopped, both the small, widespread operations and the large property development underway on the island. In December the Italian Cabinet intervened in the dispute and decided to challenge Regional law by appealing to the Constitutional Court alleging that the Region had overstepped its competency on the subject, conflicting with national competency. Meanwhile, the Region reiterated its position by establishing the *Conservatoria delle Coste* [Coast Conservation], with the task of progressively acquiring the most sensitive parts of coastline by voluntary donations, or direct purchase, to ensure their protection.

In December 2005 the Regional Landscape Plan proposal was adopted. It divided the coast into landscape units, and specific modes of intervention were planned for each of them. It reduced the possibility of building constructions in agricultural areas but allowed awards for cubic volumes and incentives to build accommodation in urban centers and to reuse existing structures following the logic of the widespread hotel system. Furthermore, a limit was placed on the applicability of the old concessions: only those procedures authorized before the "save the coast" decree and for which infrastructure works had already started, could be implemented.

In January 2006 the Constitutional Court rejected the appeal filed by the Government against the Regional law. In September 2006 the Region gave final approval to the PPR. The Municipalities and Provinces had to comply within six months.

The approval did not put an end to the tensions that had accompanied all the previous phases. The adjustment of the Municipalities' Master plans to the PPR involved significant losses in residential volume and holiday homes in the coastal zone.

The center-right party proposed an abrogative referendum, but the Regional office for referendums rejected the request. Then the proponents appealed to the Sardinian TAR, which accepted it in November 2007, but a few months later first the Council of State and then the TAR, once again brought into the matter by the opponents of the plan, rejected this possibility once and for all, while the authorities responsible for adjusting local Master plans disagreed with the rules established by the PPR.

## DISCUSSION. QUESTIONS AND ANSWERS

In addition to the desired consensus, city and territory transformation processes provoke new conflicts, too, related to different, sometimes divergent, interests that should be analyzed in the light of the broader socio-economic and political system they belong to, and which can tell us a lot about how to understand planning and space management.

Some places maintain a structuring and identitary role for the contexts they are part of due to their environmental and historical value, even if they have remained in second place for a long time with respect to the evolution of the urban area. However, they also appear as attractive areas for building speculation and forms of gentrification which, on the one hand, intervene in bringing true value to decayed and thus apparently marginal areas but, on the other, indicate final privatization of spaces that have a community character inherent in them due to the meaning and environmental, social and symbolic value of the landscape and history they encapsulate (Leeds *et al.*, 2008; Nedučin *et al.*, 2009; Dokić *et al.*, 2008).

Thus apparent "urban gaps" become spaces whose use is contested between public and private, giving rise to conflicts in which the stakes are the sense of the project for the city. Should economic growth and real estate income be pursued or equity and sharing preferred? In the face of the lack of public resources and the mirage of guaranteed income with minimal expenses, urban ground often becomes a commodity to be exchanged, and any space still empty in the increasingly saturated cities is like a fund to be drawn upon in case of need. This is particularly true for areas that, though central, have taken on a marginal role through neglect and abandonment, which suggests strong revenues in the event of conversion. Thus, monetization of the territory begins, following a mechanism that enables services for citizens to be funded by urbanization and construction costs but which, at the same time, produces new residents, new businesses and therefore a new demand for services, triggering a process that often has devastating effects on the natural heritage.

Hence the conflicts related to power imbalance and the theme of urban revenue constitute, in an urban reality increasingly subservient to the market and crushed by budget problems, a particularly significant issue.

The two case studies summarized exemplify the conflict between income and public good at different scales. Furthermore, they broach a

number of issues that lead us to reflect on content, objectives and methods in the market logic that increasingly dominates planning choices.

The first question relates to the "empty" spaces, spaces that have not been built on and, as such, are considered and treated as useless in the planning scenarios. In the market logic empty spaces become spaces to fill. But does the value of a space only exist in terms of what fills it? In the city every square centimeter is used as a part of something else (almost exclusively in economic terms), and free space is restricted, not only in physical terms but also in terms of self-determination and spontaneous socialization. The space outside the city is treated the same way, with rural space no longer considered and assessed for its own qualities, but for its ability to enter the cycle of urban uses (and economic value). Becoming just "ground awaiting urbanization". This brings up the issue of empty spaces as strategic elements (and the dignity of space that is not urban, that does not "produce"), since gaps host relations.

The second issue is the environmental question: what role should the environment have in the urban dimension? Environmental quality is a factor that increases the market value of an area but cannot be considered just a "street furniture" element. The need seems increasingly stronger to design considering the environment as the main core of space organization. Greater sensitivity to the dynamics underlying the formation and maintenance of natural resources requires invasive transformation policies to be necessarily overcome - especially all those that consider the environment a merely decorative element - and utilitarian logics of the private sort, which subtract a wealth of resources from public use, to be surpassed.

Environmental quality should not be an elite right proportional to personal wealth (Walker and Bulkeley, 2006). The appropriation by the dominant groups of sites of special environmental value and specific identity significance not only undermines their integrity but is a form of exclusion and social injustice. In an urban realm dominated by the market, spaces lose any claim to equity, and "contact" spaces, spaces for creating relations, are transformed into spaces to be sold. As the privatization of collective public space proceeds, public space is actually reduced to space of mass consumption.

A second set of issues concerns the objectives underlying the planning choices and methods and these bring up some questions. What is the relationship between power and planning?

What kind of impact does it have on planning processes and governance of space? Only recently has the theoretical reflection on planning explicitly and directly addressed the question of the power that is necessarily inherent in it, and tried to grasp the difference between physiological situations and the pathological distorted condition of the relationship between planning and power, be it decisional or not, in the practice of technical action. Space and its events at any scale are not neutral with respect to power practices. The city, through the ideologies underlying it and all the conventions governing it, is an organization structured to make the dominant social mechanism work and maintain existing power relations, though not without resistance, contradictions and disputes.

Although this does not lead to a city completely consistent with the system regulating it, since the city's production process is the result of continuous political and ideological struggles, it will inevitably bear the signs and dominant traits of it. "Planning is the guiding-principle for future action. In a world dominated by strongly conflicting interests and great inequalities [...] planning that confronts power constitutes simultaneously a daily necessity and constant ethical challenge" (Forester, 1989, p. 3). Hence the inevitable need to discuss and negotiate choices that will unavoidably have an impact on territories and communities. An issue that brings up the concept of power as responsibility, but also transparency, retraceability and participation in decision-making.

Is it possible to protect the collective interest without sacrificing economic interest? Public policies have taken on behavior patterns entirely borrowed from the market logics that have accelerated the processes of social devastation, also to enhance real estate assets and increase revenues. This is the case of many Italian historic town centers. Affected by indiscriminate reclamation projects, they have lost their identity, become false and destructive of pre-existing mankind, and now identifiable only through the application of leisure criteria and formulas. So while speculative action has caused the "tourism-oriented" metropolitan experience, many public authorities have entrusted the definition of the urban landscape to experiential consumption (Pine and Gilmore, 1999).

The space project has, however, the purpose of revealing meanings and perspectives in the places of the city to lead to the discovery of, or allow to seep through, a joint sense of aim and belonging (Maciocco, 2008).

But where do private rights end and collective rights begin? Peterson and Liu (2008) have

argued that: "even when people hold negative attitudes toward unplanned development, natural property rights values (favourable evaluations of property as an inviolable and pre-political right) prevent them from acting on their concerns".

At the same time, cases of authorities that have been able to steer transformation processes without succumbing to pressure from special interest groups are rare (Friedman, 1987). When a councillor grants an urban planning variant, he/she creates an income that should be shared between the public and private sectors according to transparent criteria. To the maximum values at stake in the negotiation corresponds the minimum of rules that should justify it. The approval of an urban variant is mostly left to the authorities' subjective choices, put at risk by the high economic values at stake. The more astute legal culture has highlighted the bareness of rules in these decisions, which greatly contrasts with the extent of the interests involved. In the absence of rules, justification remains entrusted to the rhetoric of political discourse and to the power of competent persuasion.

The authorities have rarely felt the need to establish any reference *a priori* to the distribution of benefits between the public and private sectors. No wonder, then, that in such opaqueness of public and private interests politics loses the responsibility of governing. Not surprisingly, the majority of the corruption cases that have been discussed recently in Italy concern urban planning operations. The link between development of income and mutation of the political class is largely underestimated on the theoretical plane, despite the abundance of empirical data that indicate its importance (Tocci, 2009).

The authorities pretend not to see the effects of urban planning decisions on collective life, thus obscuring the imbalance between private income and public costs of transformation. In the case of Tuvixeddu for years the Municipal authorities had public interest coincide with private, believing building by the private sector to be the only way to give back urban decorum to a part of the city. The strong opposition of some of the citizens, committees and action groups, Regional Executive action and the introduction of new norms for the protection of landscape heritage have changed the balance of power, to the point of blocking the speculative process. The concept has spread, reiterated also in the case of coastal areas, that the protection of the environment, landscape and past heritage could constitute a new model of development opposing speculation.

## CONCLUSION

In modern times the territory appears more and more to be the 'stakes' in political, social and economic tensions, which, although diversified and sometimes contradictory, have in common the need to rewrite and redefine our life space both individually and collectively.

Special attention should be paid to the clash between private and public interests, which is manifest in disputes over some spaces that, due to their environmental quality, lend themselves to various purposes, which involve highly diversified planning methods and criteria. Central to the current urban policy seems to be the subordination of social issues to economic priorities.

The two cases presented point out how different motivation converges on landscape and on public and private interests; they constitute at the same time one of the few examples of territorial protection policy deployed on a large scale in favour of the collective benefit despite strong economic pressures. In fact, although landscape transformation engenders increasingly new informal lines of opposition, instruments of government and urban policy have the task of defending the heritage.

The growing collusion and submission of the authorities towards market forces are creating urban and extra-urban landscapes increasingly alienated from local identities and values, with consequences closely related to a lower quality of life, sociality, equity, and the degree of survival of natural resources exploited well beyond their capacity. With respect to this problem the lack of a shared vision emerges regarding urban renewal strategies and territorial policies at all levels of expertise, and a strong conflict of interests that leads to the sale of local resource assets to generate income. The logic of real estate exploitation needs to be broken, placing the re-discovery and defense of public goods at the center of the project, using instruments based on confrontation and negotiation, and accepting and dealing with the conflict.

We need to think of conflict not as something that we must necessarily get rid of, but as a physiological dimension of the coexistence of individuals and resources, including opportunities. In a condition where planning decisions are no longer the expression of harmonious consensus, to define policies becomes more complex. We must question what connects different phenomena and different causes.

Due to reconsideration of the development of

the Tuvixeddu site, the whole vision of the city was again brought into question. At the same time, the conflict over its fate has started up a public debate which has led to the rediscovery of the site also by those citizens who were not aware of its importance. Similarly, the story of the PPR has put the landscape as a collective good at the center of the debate, assuming national importance and opening a new chapter in the relations between landscape and planning.

Thus, conflicts are a key element in stimulating academic discussion and public debate on public goods for we need policies that do not exclude revenue but do not place it above the collective interest.

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