

NEWS ON THE PROCEDURES FOR THE CONFERMENT OF THE TERRITORIAL EQUIPMENTS DUE IN THE MUNICIPALITY OF MILAN

The Municipality of Milan, with executive decision no. 9748 of 30 October 2023, adopted the Guidelines on the procedures for the conferment of territorial equipment for services (the so-called "standard") and the related monetization, together with the outline of the new unilateral act of obligation.

Waiting for the new Variant to the Territorial Government Plan and the new Building Regulations, the aim is to unburden the proceedings concerning the areas involved in contracted building permit or conditioned and alternative to building permit SCIA, while ensuring the protection of the public interest through a direct and agreed implementation process, via presenting a deed of obligation instead of a real agreement.

This method is now applicable – for proposals for new construction or renovation with demolition and reconstruction involving the need for standards – to all interventions that exceed the Territorial Area of 5,000 square meters, where planning or guidance tools of the Municipal Administration (area studies, mobility studies, etc.) give evidence of the public interest in the acquisition of certain areas for public services and public use.

Specifically, it provides for the commitment of the private operator to sell the areas within a reasonable period, the start of planned public interventions and the conservation of the green spaces of the areas subject to sale for a maximum period of five years.

But there is more. This decision establishes an important principle on monetization for standard areas.

As is well known, the territorial equipment due in cases of new construction or change of use must be found through *(i) free transfer of areas, (ii) subservience to public use or, alternatively, (iii) through total or partial monetization.*

Specifically, monetization is now permitted only following a specific assessment by the municipal offices which highlights the impossibility or inadvisability of the transfer of the areas, as due to their size and shape they are not usable (for example, because they are not directly accessible from public space) or in any case not responding to the public interest for the establishment of public spaces and works.

This is a solution in line with the provisions of the art. 46 of the regional law n. 12 of 11 March 2005 which allows the use of monetization, only residually as compared to the transfer of the areas or their subservience.

The firm will carefully follow future developments, remaining available for any need.

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