

## **MILAN: URBAN REGENERATION. THE LATEST GUIDELINES FOR THE ISSUING OF BUILDING PER- MITS.**

The Urban Regeneration Department of the Municipality of Milan has issued service provision 20 March 2024 no. 4, implementing the principles expressed by Municipal Council's resolution 23 February 2024 no. 199.

The purpose of the provision is to temporarily guide the administrative activity in the procedures for the issuing of building permits, taking into account the orientation expressed by the Judge for Preliminary Investigation of the Court of Milan, until new operational and interpretative indications can be deduced from legislative and/or jurisprudential sources.

The most relevant aspect of this measure concerns demolition and reconstruction works with different shape, elevations, sediment and planivolumetric and typological characteristics involving buildings over 25 metres in height and/or with a volume of over 3 cubic metres per square metre, i.e. that category of works currently under the lens of the Milan Public Prosecutor's Office.

Based on the new indications of the municipal Administration, such interventions must be qualified as new construction interventions whenever it is found that **(i)** the number of buildings changes and **(ii)** any trace of the pre-existing building is missing.

Like any other new building intervention, an **implementation plan** is therefore required, where the interventions are characterised by elements of deviation from the morphological standards provided for by the *Piano del Governo del Territorio* or fall within undeveloped or sparsely built-up areas.

However, in the case of urban fabrics that are already fully urbanised, without the presence of free spaces or areas, works may be authorised, following a specific preliminary investigation, by means of a **building permit or building permit with special agreement**.

In any case, regardless of the qualification given to demolition and reconstruction works, the determination of the endowment of services must be quantified, as a precautionary measure, in the measure foreseen for new construction.

In addition, with specific regard to new construction or renovation works with demolition and reconstruction with intervention areas exceeding 5,000 square metres that require territorial endowments for services, it is established that the assessment of the modalities for guaranteeing the territorial endowments (transfer, subjection to public use, realisation of the service or monetization) is to be carried out with the coordination of the General Management, which

will concretely assess the need for the involvement of the Departments responsible for taking charge of the areas that may be transferred.

In conclusion, it seems appropriate to note that these guidelines inexorably constitute a temporary halt in the real estate development and urban regeneration of the Milanese territory, where – prior to the commencement of criminal proceedings – an extensive interpretation of the regulatory provisions had allowed the application of the SCIA as an alternative to the building permit in the construction of buildings that deviated considerably from the original outline, elevations and sediment.

The Firm will closely follow the next developments, remaining at your disposal for any need.

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