



MARCHE REGION

**PROVISIONAL HYDROGEOLOGICAL
SYSTEM PLAN (PAI)**

**TECHNICAL IMPLEMENTATION
STANDARDS**

TABLE OF CONTENTS

PART I	“The Basin Summary Plan for Hydro-geological Stability”	3
Article 1	Aims	3
Article 2	Sphere of application	3
Article 3	Contents and documentation	4
Article 4	Effects	5
Article 5	Validity and Updating	7
PART II	“Plan for Water Stability”	8
Article 6	Aims	8
Article 7	Area of territory subject to flooding from rivers which recurs within 200 years	8
Article 8	Identification of the homogeneous river sections as regards the area of flooding	12
Article 9	Regulations regarding areas at risk of flooding	13
PART III	“Plan for Stabilising Sloping Areas”	16
Article 10	Aims	16
Article 11	Unstable Sloping Areas	16
Article 12	Regulating Unstable Sloping Areas	17
Article 13	Coordination with town-planning programmes	20
PART IV	“Implementing the Plan and Programming the Intervention Work”	23
Article 14	Implementing the PAI	23
Article 15	Expropriation and compensation for structural intervention work as provided for in the PAI	24
Article 16	Three-yearly programmes of intervention work	25
Article 17	Reorganisation of the hydro-geological obligation	25
Article 18	Elements at risk to be subjected to measures of delocalisation	25
Article 19	Amendment to the areas	26
PART V	“Final provisions”	27
Article 20	State property areas	27
Article 21	Civil Defence	29
Article 22	Directives	29
Article 23	Final Provisions and Prescriptions	30
Article 24	Provisions relating to town-planning	31

PART I “The Basin Summary Plan for Hydro-geological Stability”

Article 1 Aims

1. The Basin Summary Plan for Hydro-geological Stability (PAI) was drafted in accordance with article 17 (6-ter) of Italian Law No. 183 dated 18 May 1989, as prescribed by article 1 of Italian Law No. 267 dated 3 August 1998 and article 1-bis of Italian Law No. 365 dated 11 December 2000. It is the document that provides the information, provisions and technical and operational instructions through which actions and regulations are planned and programmed with the aim of preserving, defending and improving land and preventing hydro-geological risks on the basis of the physical and environmental characteristics of the territory in question.
2. Hydro-geological stability includes:
 - a) water stability, concerning areas at risk from water (PART II);
 - b) the stability of sloping areas, concerning areas at risk from landslides and avalanches (PART III);
3. This Plan pursues the objectives stipulated in the laws of this sector, those particular laws that refer to the specific characteristics of the individual basins and the aims as prescribed by article 3 of Law No. 183/1989, with particular reference to the contents included in article 17 (3), letters b), c), d), f), l) and m) and in article 1 (1) of Law No. 267/1998 and Marche Regional Law No. 13 dated 25 May 1999.

Article 2 Sphere of application

1. This Plan refers to the territory included within the regional hydrographical basins as identified in Annexe B to Regional Law No. 13/1999 and mapped on tables 1SD North Sheet and 1SD South Sheet, scale 1:100,000, on which areas of water hazard (areas of floodable territory), of hazards from landslides and avalanches (sloping areas in unstable conditions) and areas with elements such as townships, residential buildings, industrial sites and infrastructures, exposed to hydro-geological risks. Through the regulation and management of the identified areas of hydro-geological instability, the first defined level of the Basin Plan is set in action.

2. The provisions of article 20 (2) of Law 183/1989 are applied to those parts of basins of regional importance where territories belonging to other regions are also found.

Article 3 Contents and documentation

1. This Plan is divided into the Plan for Water Stability and the Plan for the Stability of Sloping Areas and contains, in particular, according to the guidelines in Decree of the President of the Republic dated 18 July 1995 and Annexe "A" to Reg. Law No. 13/1999:
 - a) the current level of information relating to :
 - the physical system;
 - the human intervention system;
 - the system of legislation and territorial planning;
 - b) the identification and quantification of situations of imbalance or deterioration from a hydro-geological standpoint, as well as their relative causes;
 - c) the directives which the hydro-geological stabilising actions must comply with;
 - d) the indication of the works necessary to guarantee the correct hydro-geological stability and restore the conditions of balance in relation to human intervention;
 - e) the provisions and actions aimed at regulating the extraction of stony materials from State property along rivers and by lakes and their relative protected border areas, which must be identified in order to guarantee the safeguarding of geo-morphological balance on the land and along the coastline;
 - f) the indication of areas which must be subject to special restrictions and provisions relating to specific hydro-geological conditions, with the purpose of preserving the land, and protecting the environment and preventing the destabilising effects of human intervention;
 - g) the criteria for the execution of the intervention work.
2. This Plan is made up of the following documents:
 - a) Report, divided up into four documents:
 - The "Report"

- Annexe A - "Extraordinary activity of water policing and control of the territory - minor hydrographical network"
 - Annexe B - "Reconnaissance of the areas of gravitational instability"
 - Annexe C - "Summary chart of areas of hydro-geological risk"
- b) Graphic documentation:
- "Summary map of hydro-geological instability and regional basins, hydrographical network and administrative boundaries" (Table 1 SD North Sheet and Table 1 SD South Sheet, scale 1:100,000);
 - "Map of hydro-geological risk" (Table RI joint map, scale 1:200,000 and from Table RI 1 to Table RI 79, scale 1:25,000);
- c) Chart showing hazards and gravitational phenomena;
- d) Implementation Standards and relative annexes:
- Annexe A - "Guidelines for use of the territory to safeguard against flooding"
 - Annexe B - "Guidelines for use of the territory for farming and forestry"
- e) Preliminary chart of economic requirements for the works.

Article 4 Effects

1. With the effects of article 17 (5) of Law No. 183/1989, the prescriptions indicated in the following articles 7, 9 and 12 of these regulations are declared immediately binding on Public Entities and Authorities, as well as on private parties. However, exceptions to this include any intervention work already authorised or for which a report of commencement of activity has been presented pursuant to article 4 (7) of Law Decree No. 398 dated 5 October 1993, converted into Law No. 493 dated 4 December 1993 and subsequent amendments, with reference to which the relative work has already been initiated at the time that this Plan comes into effect and is completed within three years from the start of the work. In any case all those who perform work referred to in this sub-paragraph must be informed of the noted state of instability.

2. Communes are obliged to provide information in the most appropriate ways, concerning the levels of hazard and hydro-geological risks identified by this Plan. Communes will also include, in the certificate of urban use, a reference to the territorial classification as referred to in this Plan regarding the declared hazards and risks.
3. In order to guarantee the integration between further investigative study of the hydro-geological hazards and the management of the territory and to guarantee the integration between the structural intervention work aimed at mitigating risks, the territorial planning and the protection of human activity and the population from hazardous phenomena, the competent Authorities, in line with their relative responsibilities, must see to it that:
 - a) the currently valid territorial planning and programming documentation and the other sectorial instruments listed in article 17 (4) of Law No. 183/1989 are all coordinated with this Plan within twelve months from the date this Plan comes into force, as well as updating all the town-planning documents pursuant to article 10 (7) of Reg. Law 13/1999;
 - b) the civil defence emergency plans pursuant to article 1-bis (4) of Law 267/1998 are integrated with the procedures stipulated in Article 21 of these regulations;
 - c) the plans are drafted for the delocalisation of infrastructures and buildings used for production and residential purposes, with the relative incentive measures, pursuant to article 1 (5) of Legislative Decree No. 180 dated 11 June 1998, converted into Law No. 267/1998 and its subsequent modifications.
4. The areas identified in this Plan as areas with hydro-geological hazards or as areas destined for intervention work aimed at the reduction of hydro-geological risk are not considered to be town-planning areas pursuant to article 7 of Law No. 1150 dated 17 August 1942 and its subsequent amendments, but are considered as territorial areas for which the instruments of town-planning, planning and programming must provide for the application of the provisions and prescriptions included in this Plan.

5. If the prescriptions of the instruments of town-planning, planning and programming are more restrictive than the provisions in this Plan, then the former take preference.

Article 5 Validity and Updating

1. The Basin Summary Plan for Hydro-geological Stability pursuant to article 17 (1) of Law No. 183/1989 has validity as a sectorial territorial plan; the plan and its relative prescriptions have open-ended validity.
2. For the purposes of implementing this Plan and while waiting for the directives indicated in Article 22, the territorial authorities may refer to the contents of "*Guidelines for use of the territory to safeguard against flooding*" (Annexe "A" to these regulations) and "*Guidelines for use of the territory for farming and forestry* (Annexe "B").
3. With the exception of the provisions indicated in (4) below, the updates to this Plan of a general nature follow the procedures indicated in article 11 of Reg. Law 13/1999.
4. Insubstantial amendments to the Plan may be made in accordance with the following procedures on the basis of the type of amendment itself:
 - a) amendments consequent to the execution of Intervention Work Programmes of whatever nature, performed by public or private parties, as well as the progressive acquisition of knowledge and information arising from reliable studies and research and from natural events: amendments are normally carried out every three years or, under exceptional circumstances, by resolution of the Institutional Commission;
 - b) amendments to the individual boundaries of unstable areas pursuant to articles 13 and 19 can be introduced at any time, with immediate validity and integrative effect in this Plan; the amendment is prepared by the Institutional Commission subject to the opinion provided by the Technical Commission.

PART II Plan for Water stability

Article 6 Aims

1. The aims of the Plan for Water stability are:
 - a) in accordance with the procedure defined in the Plan itself, the identification of the *area of territory subject to flooding from rivers which recurs within 200 years* of the principal watercourses of the regional basins as referred to in Article 2;
 - b) the definition, for the aforesaid areas and the remaining stretches of the hydrographical network, of a management strategy aimed at safeguarding the natural water dynamics, with particular reference to flooding and the morphological development of riverbeds, in order to favour the maintenance of or repair to natural characteristics of the hydrographical network;
 - c) The definition of a policy of prevention and mitigation of water risks by setting up actions and regulations in the plan and by preparing a project organisation for the water courses, which defines the types of intervention work, the priorities for their execution and the approximate economic requirements.

Article 7 Area of territory subject to flooding from rivers which recurs within 200 years

1. The Area of territory subject to flooding from rivers which recurs within 200 years includes the relative river in flood as defined in the annexe indicated in Article 3 (2), letter d) "Guidelines for use of territory to safeguard against flooding" (Annexe "A") and is mapped in the graphical document known as "Map of hydro-geological risk" (Tables from RI 1 to RI 79).
2. The boundaries of the area referred to in the previous sub-paragraph 1 may be amended on the basis of developments in the information gathering process, and also as a consequence of the completion of intervention work aimed at mitigating the risks envisaged by the Plan itself.

3. Following developments in the information gathering process or refinements to the plan's methods, further boundaries or different methods for defining the boundaries of the identified area may be identified on the basis of different levels of hazards or risk. In these circumstances the project organisation for the watercourses as referred to in the preceding Article 6 (1), letter c) will also be defined.
4. The area referred to in (1) is considered territory belonging to a watercourse; the other definitions relating to territory belonging to watercourses are specified in Annexe "A" to these regulations.
5. The area of territory with a probability of flooding that might recur within 200 years, is regarded, with reference to non-urbanised territories, as that zone of natural reference for the maximum downflow of water and that has the function of containment and natural levelling of flood waters as well as the function of safeguarding the environmental quality of watercourses. The area which, subsequent to the completion of intervention work as envisaged by this Plan for mitigating water risk, is subject to flooding from rivers which recurs within 200 years, is regarded as the definitive territorial zone for river floodwater downflow.
6. In this area only the following are allowed:
 - a) water intervention work aimed at making the areas of risk safe, including cutting down vegetation, and included in the intervention work as provided for in programmes for land defence, or in this Plan or in line with its aims. The projects are drawn up in accordance with the contents and principles of the Marche Region Memorandum No. 1 dated 23 January 1997 "Criteria and guidelines for the implementation of intervention work along rivers in the territory of the Marche Region" (in the Official Regional Bulletin No. 11 dated 6 February 1997) and the guidelines as indicated in Annexe "A" referred to in (1) of this article and executed subject to the binding opinion provided by the competent water Authority.

- b) adjustment work, for the purposes of mitigating risks, to structures crossing the river, which lead to water hazards and intervention work relating to new road and technological network infrastructures crossing the river that do not lead to water hazards, subject to the binding opinion of the competent water Authority.
- c) public works or works in the public interest connected with capturing surface water resources or their use in compliance with the principles of article 22 of the Legislative Decree No. 152 dated 11 May 1999, and compatibly with the morphological layout and subject to the binding opinion of the Basin Authority;
- d) practices aimed at correct farming activities with the exclusion of any intervention work which leads to changes in the morphology of the land;

- e) temporary storage of materials, with the exclusion of waste as defined by article 6 (1), letter m) of the Legislative Decree No. 22 dated 5 February 1997, as needed for works as referred to in this sub-paragraph, provided that they do not reduce the flow capacity of the river bed in flood and organised so as not to cause damage or jeopardise the safety of the public if the river is in flood. The proprietors of correctly authorised activities leading to temporary occupation for purposes different from those referred to in this letter, consequent to permit measures of whatever kind and subject to renewal, are obliged, within 180 days from the date this Plan comes into force to provide the Authority whose responsibility it is to issue the permit, with a sworn report prepared by a qualified expert that certifies that the occupation arising from the activity does not reduce the flow capacity of the river bed in flood and that it will not cause damage or jeopardise the safety of the public. This sworn report must be assessed and checked within the sphere of permit procedures on the part of the Authority qualified to issue permits, which may make use of the Consortium of Communes in Mountain Areas or of the Provincial Administration. If conditions needed to produce such a certified statement do not exist, the proprietor must present the competent Authority with a proposal for mitigating the risk, containing the intervention work and necessary structures and time needed for their execution, seeking their approval. This must be done within the same period of time. If the period of 180 days passes without a positive conclusion, the authorisation is revoked;
- f) new waste water treatment plants, provided it can be demonstrated that it would be impossible to position the plants outside the specified area and as long as they do not reduce the flow capacity of the river bed in flood and are built in such a way so as not to cause damage or jeopardise public safety if there is a flood, as well as extensions and improvements and safety work done to existing plants; the building work is subject to a study conducted by the party carrying out the work in which alternative solutions (if there are any) and their compatibility with the specific water hazards of the area are assessed, subject to the binding opinion of the competent water Authority;

- g) intervention work aimed at the improvement of polluted sites, environmental recovery and in general relating to altered natural balances and to the elimination of factors relating to human interference;
 - h) further types of intervention work consistent with the aims of the Plan or Annexe "A" to these regulations (*guidelines for use of land in the regional territory to safeguard against flooding*), subject to the binding opinion of the Basin Authority.
7. If the intervention work referred to in the preceding sub-paragraph is carried out directly by Provincial Authorities and covers the territory of more than one Province, the work is managed by the Province which is most affected as regards the area concerned or the effects, and also following agreements with the others, and it is necessary to obtain the binding opinion of the Basin Authority before starting.

Article 8 Identification of the homogeneous river sections as regards the area of flooding

1. The river is divided up into different river sections on the basis of the levels of risk, according to the procedure defined in this Plan, and identified in the graphic document "Map of hydro-geological risks" (tables from RI 1 to RI 79) and called: AIN_R4- Areas with an Extremely High Risk of Flooding, AIN_R3- Areas with a High Risk of Flooding, AIN_R2 Areas with an Average Risk of Flooding and AIN_R1- Areas with a Moderate Risk of Flooding. All the areas marked out with boundaries are assigned a single level of potential hazard - High-Extremely High.

Article 9 Regulations regarding areas at risk of flooding

1. The flood area referred to in the preceding Article 7, except for what is prescribed in Article 23 below, is also subject to the prescriptions included in the following sub-paragraphs, which integrate with the pre-existing provisions; every other regulatory rule connected with the use of land, provided it is not in contrast with these provisions, is still valid; no matter what the level of associated risk there is, only the following activities are allowed in compliance with the specific technical regulations in force:
 - a) demolition work of any form of minor building job;
 - b) compulsory intervention work as required by specific sectorial regulations, provided that its compatibility with the level of water hazard in the area has been assessed by the proposing party and that any necessary measures for mitigating the risk have been applied;
 - c) routine or major maintenance work, restoration work or preservation work and rebuilding work as referred to in article 3 (1), letters a), b), c) and d) of the Decree of the President of the Republic No. 380 dated 6 June 2001. The re-building work as referred to in this letter cannot involve an increase in building volume; for the purposes of calculating the volumes relating to intervention work as referred to in this letter, any new construction work needed in the existing buildings to come up to date with regulations relating to health, earthquakes, safety and hygiene in the workplace and overcoming architectural barriers (*for the disabled*) is not to be taken into consideration;
 - d) changes in the intended use of the buildings, also in connection with the intervention work referred to in letter c) provided that it does not lead to an increase in town-planning activity with a subsequent worsening in the conditions of risk;
 - e) urban restructuring work as referred to in article 3 (1), letter f) of the Decree of the President of the Republic No. 380 dated 6 June 2001, provided that the level of water hazard of the areas is assessed and that any necessary intervention work to mitigate the risk is carried out; the aforesaid work is carried out subject to the binding opinion of the Basin Authority;

- f) intervention work aimed at mitigating the vulnerability of buildings in relation to the level of water hazard of the area;
- g) urgent intervention work that cannot be deferred, in order to safeguard public safety or the environment;
- h) maintenance and reconstruction work to technological infrastructures and roads;
- i) construction and extension work to public technological and road infrastructures, or those of public interest, as well as their relative accessory structures; with reference to this work the party carrying out the work informs the Basin Authority in advance in writing at the same time as it applies for the opinion as stipulated in this letter; the work is subject to a study on the part of the party carrying out the work, in which any alternative solutions, the economic sustainability and the compatibility with the level of hazards in the areas are assessed, and subject to the binding opinion of the competent water Authority, which can submit the application to the same Authority, while waiting for the specific directive from it;
- j) intervention work for technological systems and networks, for arranging outside areas, fencing and accessory structures for the existing buildings, infrastructures and equipment, provided they do not lead to an increase in building volumes and do not alter the natural downflow of the waters;
- k) grass areas, including the construction of leisure and sports facilities, excluding areas for camping, provided they do not lead to a permanent increase in new building volumes and do not alter the natural downflow of waters;
- l) building work connected with navigation and commercial and leisure craft port activities and shipbuilding, in compliance with the provisions of the general and sectorial instruments and subject to the binding opinion of the Basin Authority;
- m) in agricultural areas, as defined in the Reg. Law No.13 dated 8 March 1990 and its subsequent amendments, the following activities are allowed:

- new buildings as referred to in article 3 (1) letters c), e) and f) of Reg. Law 13/1990, if they cannot be located in another part of the farm's land with regard to the property's crop and hydro-geological arrangement;
 - extension work to improve the hygiene facilities of the homes as required for hygiene needs or for running the farm activities.
2. All the intervention work permitted in accordance with this article and article 7, where not already expressly provided for, are subject to technical surveys, conducted also in compliance with the prescriptions included in the Decree of the Minister of Public Works dated 11 March 1988 (in the Official Gazette No.127 dated 1 June 1988), aimed at demonstrating the compatibility between the intervention work, the conditions of instability and the declared level of risk. This survey, prepared and signed by one or more qualified experts, must be attached to the intervention work project and assessed by the Authority which has responsibility for issuing the relevant permits.
 3. Ordinary maintenance work as referred to in (1), letter c), which does not involve building work or actions, also of a provisional nature, which increase the risk conditions, as well as intervention work as referred to in (1), letter g) of this article is excluded from the obligation of presenting a technical survey as referred in (2).

PART III Plan for stabilising sloping areas

Article 10 Aims

1. The Plan for stabilising sloping areas has the following aims:
 - a) the identification and setting boundaries to areas of instability due to landslides and avalanches, assigning different levels of risk and potential hazards;
 - b) the definition of regulations and management procedures for the territory, aimed at respecting the specific morphological, environmental and landscape characteristics connected with the natural development processes in sloping areas and directed towards the defence of the land and the maintenance of the relative conditions of balance and, in particular in those situations of interference from gravitational instability with settlements and infrastructures, towards the natural re-balancing of sloping areas, towards the protection of non-jeopardized situations and their relative management procedures, towards the safeguarding from further aspects of human interference in relation to the identified potential hazards;
 - c) the definition of the intervention work required to mitigate the risks affecting the population, assets, economic activities and infrastructures in relation to the identified potential hazards;

Article 11 Unstable sloping areas

1. The definition of the regulations and management procedures and provisions for protecting unstable sloping areas mapped in the graphic document "Map of hydro-geological risks" (tables from RI 1 to RI 79) and divided up according to:

- a) different levels of hazards due to gravitational phenomena, classified into AVD_P4- Sloping Areas with Extremely High Level of Potential Hazards, AVD_P3- Sloping Areas with High Level of Potential Hazards, AVD_P2- Sloping Areas with Average Level of Potential Hazards, AVD_P1- Sloping Areas with Moderate Level of Potential Hazards;
- b) different levels of risk, identified by a combination of the level of potential hazard from gravitational phenomena on the level of interference from human factors or by the value of the exposed elements in relation to their vulnerability, and classified as AVD_R4- Unstable Sloping Areas with an Extremely High Level of Risk, AVD_R3- Unstable Sloping Areas with a High Level of Risk, AVD_R2- Unstable Sloping Areas with an Average Level of Risk, AVD_R1- Unstable Sloping Areas with a Moderate Level of Risk and AVV_R4 Sloping Areas Susceptible to Avalanches with an Extremely High Level of Risk.

Article 12 Regulating unstable sloping areas

1. The unstable areas as referred to in the preceding Article 11, except for what is prescribed in Article 23 below, are subject to the prescriptions included in the following sub-paragraphs; every other regulatory rule connected with the use of land, provided it is not in contrast with these provisions, is still valid.
2. In the areas of potential hazards AVD_P1 and AVD_P2 changes in the state of the places is allowed subject to carrying out surveys in compliance with the Decree of the Minister of Public Works dated 11 march 1988 and in compliance with the current technical regulations.
3. In sloping areas at risk from landslides with a high level of potential hazards AVD_P3, only the following work is allowed, in compliance with current technical regulations:

- a) intervention work to monitor and make improvements to situations of instability, make buildings or areas at risk safe, to contain or put sloping areas permanently in order, by using in general techniques of natural engineering, aimed at the re-constitution of altered natural balances and as far as is possible, the control or elimination of examples of human interference, that are incompatible;
- b) demolition work of any form of minor building job;
- c) compulsory intervention work as required by specific sectorial regulations, provided that its compatibility with the level of landslide or avalanche risk in the area has been assessed by the proposing party and that any necessary measures for mitigating the risk have been applied;
- d) routine or major maintenance work, restoration work and preservation work and rebuilding work as referred to in article 3 (1), letters a), b), c) and d) of the Decree of the President of the Republic No. 380 dated 6 June 2001. The re-building work as referred to in this letter cannot involve an increase in building volume; for the purposes of calculating the volumes relating to intervention work as referred to in this letter, any new construction work needed in the existing buildings to come up to date with regulations relating to health, earthquakes, safety and hygiene in the workplace and overcoming architectural barriers (*for the disabled*) is not to be taken into consideration;
- e) changes in the intended use of the buildings, also in connection with the intervention work referred to in letter d) provided that it does not lead to an increase in town-planning activity or a subsequent worsening in the conditions of risk;
- f) urban restructuring work as referred to in article 3 (1), letter f) of the Decree of the President of the Republic No. 380 dated 6 June 2001, provided that the level of landslide or avalanche risk of the areas is assessed and that any necessary intervention work to mitigate the risk is carried out; the aforesaid work is carried out subject to the binding opinion of the Basin Authority;
- g) intervention work aimed at mitigating the vulnerability of buildings in relation to the level of landslide or avalanche hazard in the area;

- h) urgent intervention work that cannot be deferred to safeguard public safety or the environment;
- i) maintenance to or reconstruction of road or technological infrastructures, as well as the construction of modest facilities that are strictly functional to them, such as electricity sub-stations or similar;
- j) construction and extension work to public technological and road infrastructures, or those of public interest, as well as their relative accessory structures; the work is subject to a study on the part of the party carrying out the work, in which any alternative solutions, the compatibility with the level of hazards in the areas and the need to carry out intervention work to mitigate the level of hazards are assessed, subject to the binding opinion of the competent water Authority;
- k) intervention work for technological systems and networks, for arranging outside areas, fencing and accessory structures for the existing buildings, infrastructures and equipment, provided they do not lead to an increase in building volumes and do not worsen the area's level of landslide instability;
- l) grass areas, including the construction of leisure and sports facilities, excluding areas for camping, provided they do not lead to a permanent increase in new building volumes and do not worsen the area's level of landslide instability;
- m) in agricultural areas, as defined in the Reg. Law No.13 dated 8 March 1990 and its subsequent amendments, the following activities are allowed:
 - new buildings as referred to in article 3 (1) letters c), e) and f) of Reg. Law 13/1990, if they cannot be located in another part of the farm's land with regard to the property's crop and hydro-geological arrangement;
 - extension work to improve the hygiene facilities of the homes as required for hygiene needs or for running the farm activities.

4. In sloping areas at risk of landslides with an extremely high level of hazard (AVD_P4) and in sloping areas at risk of avalanches (AVV_P4), only intervention work as referred to in (3) letters a), b), c) and d) with the exclusion of building reconstruction work e), g), h), i), j) and k) is allowed.
5. All the intervention work permitted in accordance with this article are subject to technical surveys, conducted also in compliance with the prescriptions included in the Decree of the Minister of Public Works dated 11 March 1988, aimed at demonstrating the compatibility between the intervention work, the conditions of instability and the existing level of risk. This survey, prepared and signed by a qualified expert must be attached to the intervention work project.
6. Ordinary maintenance work as referred to in (3), letter d), which does not involve building work or actions, also of a provisional nature, which worsen the risk conditions, as well as intervention work as referred to in (3), letter h) of this article is excluded from the obligation of presenting a technical survey as referred to in (5).

Article 13 Coordination with town-planning programmes

1. When drawing up general town-planning instruments or amendments to them, provisions for building new settlements in areas of moderate (AVD_P1) and average (AVD_P2) levels of hazard are not normally allowed; any inclusion is subject to the positive outcome of a survey relating to hydro-geological compatibility to be carried out prior to the adoption of the town-planning instrument.

2. Surveys of hydro-geological compatibility consist in assessing the congruency of the specific town-planning provision as compared to the level of hazard detected; such surveys must be subsequent to a detailed geological study, that complies with the current regulations, be extended over a large part of the sloping area and prepared in accordance with the Decree of the Minister of Public Works dated 11 March 1988 and in line with the aims and contents of "preliminary land investigation surveys" as referred to in the Memorandum of the Marche Region No. 14 dated 28 August 1990, as well as the "Surveys relating to local earthquake hazard" as referred to in article 7 in the Memorandum of the Marche Region No. 15 dated 28 August 1990 (Official Regional Bulletin No.120 dated 24 November 1990, as amended and integrated by Resolution No.1287 of the Regional Executive Committee dated 19 May 1997 (supplement No. 20 to the Official Regional Bulletin No. 32 dated 29 May 1997) and the relevant acts assimilating them.
3. The Communes attach the survey of hydro-geological compatibility, prepared in compliance with the prescriptions of this article, to the act adopting general town-planning instruments or relative variations to them.
4. When providing their opinion in accordance with article 13 of Law No. 64, dated 2 February 1974, the Provincial Authority, also expresses their decision which is final, in relation to the compatibility of the town-planning provision as referred to in (1), if necessary, making it subject to prescriptions to be included in the regulations of implementation of the PRG and perhaps to be assimilated in the deed of implementation.
5. When town-planning instruments or amendments to them as referred to in (1) are approved, the delimitations of the areas of instability and the town-planning provisions included in them, subsequent to the survey of compatibility as referred to in this article, integrate the delimitations and prescriptions of this Plan.

6. For this purpose, the Authority responsible for approving town-planning instruments as referred to in (1) sends the results of the survey of compatibility as referred to in the preceding sub-paragraphs, to the Basin Authority, together with any amendments made to the boundaries of areas of instability and the relative town-planning provisions.
7. Pursuant to Article 5 (4), the Basin Authority amends the documentation of the plan, within three months from the receipt of the results of the survey of compatibility.
8. Communes must immediately make known any recurrence of landslide phenomena as well as the start-up of new phenomena or the up-dating of those already circumscribed.

PART IV Implementing the Plan and Programming the Intervention Work

Article 14 Implementing the PAI

1. This Plan is executed through three-yearly Programmes of intervention work pursuant to articles 21 and following of Law No. 183/1989 and article 13 of the Reg. Law No. 13/1999. For the implementation of the provisions of this Plan that require the participation of public entities, the Authority which has responsibility for issuing the measure may convene a meeting of departments pursuant to article 14 and following of Law No. 241 dated 7 August 1990 and its subsequent amendments.
2. The intervention work envisaged by the Plan can also be initiated through agreements in accordance with the contents as defined in article 2 (203) of Law No. 662 dated 23 December 1996.
3. Single building works and private initiatives, provided for in the Plan or consistent with its aims, can be initiated with agreements between the Basin Authority and the Public Administration or the private party involved from time to time.
4. Within the field of the procedures as referred to in this article, the Basin Authority can assume the task of promoting agreements and the role of Authority in charge of coordination and, should the Authority with responsibility for implementing the intervention work so request, it can assume the role of authority in charge of implementing the programmed intervention work.

Article 15 Expropriation and compensation for structural intervention work as provided for in the PAI

1. The obligations imposed by the Summary Basin Plan of water risks, do not have any expropriation content and therefore do not lead to any payment of compensation. The building projects relating to intervention work as provided for by the Plan, identify the areas to be expropriated referring to embankments, minor building jobs and anything else that may need to permanently occupy the area and be necessary for the improved functionality of the planned building work and for their management and also the areas to be subject to specific easements subsequent to the completion of minor building jobs, their management and functioning.
2. Those parties with responsibility for carrying out the building work must see to the initiation of all the necessary procedures relating to the expropriation and the establishment of any easements.
3. The destined use of the areas in which intervention work under the Plan is expected to take place, is that which appears in the Land Registry documents on the date the PAI is approved.
4. As regards the establishment of compensation for those areas which will occasionally be subject to controlled flooding, provision is made for compensation following inundation which can guarantee a fair payment for the sacrifice made and/or the damage suffered. Compensation as a consequence of flooding of expansion chambers are paid by those entities with responsibility for maintaining these chambers.
5. Projects relating to controlled expansion chambers must, however, contain instructions relating to the admissible intended uses within the chambers, taking into consideration the functionality of the building work. Nevertheless, the safety of any user of the areas included in these water-related construction works must be guaranteed.

Article 16 Three-yearly programmes of intervention work

1. The Basin Authority defines and updates the estimates of the "Preliminary summary of economic requirements for the intervention work", also on the basis of information provided by the local authorities.
2. On the basis of the guidelines and priorities within the Plan and taking into account the information from the competent authorities, the Basin Authority prepares the three-yearly Programmes for intervention work and updates the technical directives concerning the criteria and guidelines for drafting the three-yearly programme, as well as the plans for the intervention work.

Article 17 Reorganisation of the hydro-geological obligation;

1. When re-defining hydro-geological obligations, the Region and the Provinces, pursuant to article 3, letter p) of Law No. 183/1989 assimilate the boundaries of the areas of instability due to landslides and avalanches of whatever classification as indicated in this Plan and mapped in the document known as "Map of hydro-geological risk" (Tables RI 1 to RI 79). This may be done using instruments of territorial planning and for the purposes of geo-morphological stability and water stability as indicated in this Plan.

Article 18 Elements at risk to be subjected to measures of delocalisation

1. Within 18 months from the date this Plan comes into force, the Basin Authority, also using information provided by the Local Authorities, identifies the infrastructures and buildings constructed in compliance with the town-planning regulations or amnestied which, on account of the particular conditions of risk due to the specific characteristics of exposure or vulnerability, cannot be efficiently defended and for which delocalisation incentive measures must be provided, according to the procedures as referred to in article 1 (5) of Law No. 267/1998 and subsequent amendments.

Article 19 Amendment of the Areas

1. Local Authorities and private parties can, in the following cases, present applications to the Basin Authority, including appropriate technical and graphical documentation relating to the type of phenomenon and the subject of the request, for the inclusion, partial amendment or elimination of areas and for changes to the levels of risk and potential hazard in the Plan:
 - a) execution of intervention work as provided for in this Plan for making areas at risk safe, in other programmes of land defence or, nevertheless, consistent with the aims of this Plan;
 - b) further information-finding studies on the levels of hazard in the risk areas;
 - c) when natural events or new cases of instability occur.Applications from private parties must also be presented to the Communes where the territory in question is situated, and in addition to the competent territorial Water Authority, if they concern areas of floodable land as referred to in Article 7, which will forward their own report or opinion about the request to the Basin Authority.
2. The applications as referred to in (1) are published in the Official Regional Bulletin and posted on the Municipal notice board of the Communes within the territory in question.
3. In relation to single cases in question, the Basin Authority may, while processing the application, request further technical and administrative documentation considered necessary.
4. Amendments to areas included in this Plan will take place in accordance with a Resolution of the Secretary General of the Basin Authority on the basis of the decision of the Institutional Commission pursuant to Article 5 (4), letter b).

PART V Final provisions

Article 20 Areas of State property

5. Notwithstanding the provisions of the Royal Decree No. 504/1904, for the purposes as referred to in article 41 (1) of Legislative Decree No. 152/1999, areas of State property along rivers, torrents and other water sources can be licensed out by the State Property Authority for those purposes provided for by article 41 (3) of Legislative Decree No. 152/1999 or for different uses if they are compatible with the water system and do not cause obstacles to water downflow and provided that they do not lead to new increases in building volumes of a permanent nature.
6. With the exception of the provisions of Law No. 37 dated 5 January 1994, the parties as referred to in article 8 of the aforesaid law, prepare projects for the use of State property land with the aims of environmental recovery and protection of the territory on the basis of which they can exercise the right of pre-emption as provided for in the same article 8, for the purposes pursued by this Plan. For the purposes referred to in this sub-paragraph, the Basin Authority can operate as a service structure, within the limits of its own responsibilities.
7. The newly-formed areas of State property along rivers, pursuant to Law No. 37 dated 5 January 1994, with effect from the date this Plan comes into force are destined exclusively to the improvement of the natural component of the river area and cannot lose their status of State property.

8. Notwithstanding the provisions of article 8 of Law No. 37/1994, the issue and renewal of licences on State property within areas of potential flooding are subject to the presentation of management projects, under public or private initiative, aimed at the reconstitution of a diversified river environment and the promotion of ecological interconnection of natural areas, in the context of a process of progressive recovery of the complexity and bio-diversity of the river region or its use for purposes consistent with Annexe "A" to these regulations as referred to in Article 7 (1).

9. In intervention work including the removal of river material in water-related intervention work aimed at re-profiling the downflow section, subsequent to conditions of ascertained over-flooding, the use of removed material can be allowed subject to a proposed annual programme, having heard the views of the Communes in question and the territorially competent Provincial Authorities and approved by the Basin Authority. The parties carrying out the intervention work can use the removed material for the following purposes:
 - re-nourishing of tracts of the river-bed subject to erosion along the same watercourse;
 - re-nourishing the coastline preferably in correspondence with the physiographical unit lying within the watercourse's competence;
 - re-nourishing of tracts of river-bed subject to erosion along other watercourses;
 - public works relating to maintenance work or water-related arrangement schemes;
 - Any residual material not appropriate for the uses referred to in the preceding points can be destined to other compatible uses;

10. The compatibility with the purposes of water-related intervention work in this Plan to be carried out in State property areas which have not been assigned boundaries under the Plan, is assessed by the competent Water Authority.

11. Within one year from the date the PAI comes into effect, the private parties possessing licences to occupy State property areas with boundaries as referred to in Tables RI 1 to 79, are obliged, under pain of forfeiture of the licence itself, to send the territorially competent Provincial Authorities a technical, descriptive report on the activities in progress, including technical drawings showing the location of any minor building jobs, equipment, materials and anything else to do with the work. In relation to single cases, within the terms and according to the procedures established by the Institutional Commission, Provincial Authorities prepare whatever prescriptions they regard as necessary. When being applied for the first time the Provincial Authorities inform the Basin Authority of these prescriptions, which expresses its own binding opinion within 60 days, where it sees fit.
12. Intervention work aimed at mitigating risks connected with these activities, regarded as necessary, is carried out by and at the expense of the licence holders by presenting a project to be submitted to the Basin Authority for approval.

Article 21 Civil Defence

1. The technical boards of the Regional Basin Authority take the role as a support structure in the regional civil defence system as regards hydro-geological risk.
2. Provincial Authorities, in the field of their respective responsibilities, take whatever steps it can in promoting links with the Communes in question for implementing the forecasting activities and intervention work for risk prevention with the adoption of administrative measures as well as for the preparation of emergency plans.

Article 22 Directives

1. In relation to the activated technical studies in progress, the Basin Authority, having heard the Conference of Autonomies as referred to in Reg. Law 13/1999:

- issues directives and regulations relating to the assessment and monitoring of the intervention work, use of land in farming areas, assessment of the water compatibility of the licences relating to small and large derivations and occupation of State property areas;
- can issue directives and regulations relating to methods and procedures relating to the execution of information-finding land surveys, execution of water surveys, monitoring of phenomena, issuing opinions as stipulated by the Plan, criteria for designing building works crossing rivers.

Article 23 Final provisions and prescriptions

1. The provisions of this Plan are not applied:
 - a) to intervention work for which financial and technical implementation procedures of Law No. 61 dated 30 March 1998 are in progress;
 - b) to intervention work contained in plans to recover the existing building heritage, adopted and approved by the date this Plan comes into force, also connected with funding provided for by EU, State or Regional regulations, provided that its compatibility with the hydro-geological hazards of the area is assessed by the party carrying out the work and any necessary measures to mitigate the risk are put into effect;
 - c) to public works whose contract by tender has been stipulated by the date this Plan comes into force and subject to assessment on the part of the contracting authority of their compatibility with the hydro-geological hazard of the area and the putting into effect of any measures needed to mitigate the risk.
2. With reference to the areas with boundaries under the Plan in the Tables from RI 1 to RI 79, the Communes, pursuant to the effects of article 17 (3) letter m) of Law No. 183/1989, assess the necessity to mitigate the conditions of risk, by amending, if necessary, the town-planning instrument, or by re-determining the intended town-planning uses. Having verified such a necessity, the Commune presents an application together with its relative proposal for mitigation to the Basin Authority which expresses its own binding opinion within 120 days.

3. The procedure of mitigation of risk conditions as referred to in the preceding sub-paragraph (2) is permitted for town-planning instruments in force on the date this Plan comes into effect and is applied in the following cases
 - a) to town-planning areas A, B, C, D and F as stipulated in town-planning instruments updated to the Regional Environmental and Landscape Plan (PPAR), approved by the Resolution of the Regional Council No. 197 dated 3 November 1989;
 - b) to town-planning areas A and B, as well as areas C and D, even if they have different names in the town-planning instruments, which can be considered as completion areas as they comply with the requirements referred to in article 2, letter b) of the Ministerial Decree No. 1444/1968, as provided for in town-planning instruments not updated to the PPAR;
 - c) to implementation plans and complex urban programmes approved by the date this Plan comes into effect;
4. The provisions of articles 7, 9 and 12 are applied until the procedure of risk mitigation in the areas with boundaries under this Plan has been completed.
5. New settlement provisions in the PRG or its amendments, adopted by the date this Plan comes into effect, falling within the areas with boundaries in the document "Map of hydro-geological risk" (tables from RI 1 to RI 79) are subjected to the prescriptions of articles 7, 9 and 12, and, with regard to the areas of hazard - AVD_P1 and AVD_P2 - of the plan for stabilising sloping areas, to the prescriptions of Article 13.
6. The procedures as provided for in (5) must be explained within the approval procedure of the town-planning instrument.

Article 24 Provisions relating to town-planning

1. With the effects of article 17 (6) of Law No. 183/1989, and article 10 (7) of Reg. Law 13/1999, this article dictates the provisions and prescriptions for the implementation of the plan in the town-planning sector.
2. The provisions as referred to in the preceding sub-paragraph (1) refer to:

- areas with boundaries under the plan for water stabilisation, mapped in Tables from RI 1 to RI 79, in which the limitations of territorial use as prescribed by Articles 7 and 9 are introduced;
 - areas with boundaries under the plan for sloping area stability, mapped in Tables from RI 1 to RI 79, in which the limitations of territorial use as prescribed by Article 12 are introduced;
3. For the purposes of the transposition of the boundaries of the areas of instability onto the town-planning instruments, the Basin Authority supplies the Communes and Provincial Authorities a summary copy of the plan's maps in numerical form containing the geo-referenced boundaries.
 4. In this transposition operation the Communes can make some limited amendments to the boundaries of areas of instability, on larger scale maps, within the limits of map errors referred to the scale of analysis of the plan 1:10,000
 5. The boundaries and the consequent limitations in use are modified or expire in relation to the prescriptions included in articles 5 and 19.
 6. The risk mitigation procedures as referred to in Article 23, which do not lead to amendments to the town-planning instruments are carried out subject to the binding opinion of the Basin Authority.
 7. Any town-planning amendment that may be necessary following risk mitigation procedures as referred to in the preceding Article 23, follows the ordinary or simplified procedures as stipulated in current legislation.
 8. Until the project organisation as referred to in Article 7 (3) of these regulations is defined, notwithstanding the provisions of articles 7 and 9 of these regulations referring to the area of floodable territory as identified in article 7 (1), the zones and prohibitions stipulated in article 2 (2) of the "Regulations for the unmapped areas of prohibition" of the Regional Plan for mining activities (PRAE), as approved by the Resolution of the Regional Council No. 66 dated 9 April 2002, remain in force.