

The Governance of Land Use

Country fact sheet Portugal

The planning system

Levels of government and their responsibilities

Portugal is a unitary state with two levels of government; the national level and 308 municipalities. Furthermore, two autonomous regions exist (the islands of the Azores and of Madeira). The national government has four distinct functions related to land-use policies. First, it provides the legal framework that regulates planning at the national, regional and local level. Second, it defines national and sectoral strategic policies aimed at integrated, cohesive and sustainable territorial development of the country. Third, it allocates national and EU funds to specific territories and projects. With respect to spatial planning, funds for transport infrastructure have been especially important. Fourth, it provides technical assistance for regional and municipal planning. The spatial dimension of these four functions is spelled out in the *National Programme of Spatial Planning Policies* and *Special Programmes* for particular regions. The national government also supervises the *Regional Co-ordination and Development Commissions*. They are de-concentrated branches of the Ministry for the Environment and have administrative and fiscal autonomy. They co-ordinate national and local policies related to environmental and spatial planning and prepare the *Regional Spatial Development Programmes*.

Municipalities exercise their responsibility for land use primarily through the preparation of one of the three local land-use plans (see below). For the preparation of the most important of the three local land-use plans – the *Municipal Director Plan* – municipalities have recently been encouraged by law to form inter-municipal associations to plan jointly, but as of the time of writing it is too early to evaluate the receptiveness to this new inter-municipal planning practice. Beyond their immediate responsibility for land-use planning, municipalities also affect land use through their responsibility for the construction of public buildings and municipal infrastructure.

Several other public authorities and public companies affect land-use policies in Portugal. Most of them are controlled by the national government. Among them is the *Institute for Nature Preservation and Forestry* that is responsible for ensuring that land-use planning follows sustainable development principles. It has a co-ordination role between different public bodies and is represented on the advisory committees for *Municipal Director Plans*. For cultural heritage protection, a similar role is played by the *Institute of Architectural and Archaeology Heritage Management*. Other important public organisations are the *Regional Hydrographical Institutes* that manage water resources and *Infrastructures of Portugal* that are responsible for the financing, construction and maintenance of the road and rail network.

Organisation of spatial and land-use planning in Portugal

General framework

National

NATIONAL PROGRAMME OF SPATIAL PLANNING POLICY

- *PROGRAMA NACIONAL DA POLÍTICA DE ORDENAMENTO DO TERRITÓRIO - PNPOT*
- The most general plan in the Portuguese Planning System, sets out strategies for the spatial organisation and management of the national territory
- Binding for local governments and sectoral agencies in charge of spatial planning at lower levels

Sectoral Plans

SPECIAL PROGRAMMES (PE)

- Protection and enhancement of archaeological parks and natural assets and resources with national relevance
- Scale: 1: 25 000; 1: 5 000; 1: 1 000

Regional

REGIONAL PROGRAMMES FOR SPATIAL PLANNING

- *PROGRAMA REGIONAL DE ORDENAMENTO DO TERRITÓRIO - PROT*
- Regional strategies for economic, social and territorial development
- Integrate national policies and establish guidelines for plans at municipal level
- Prepared at regional level and approved at national level

Municipal

MUNICIPAL (or INTER-MUNICIPAL) DIRECTOR PLANS

- *PLANOS DIRETORES MUNICIPAIS E INTERMUNICIPAIS - PDM*
- Main instruments to guide local spatial development
- Can be prepared by inter-municipal associations; this is rare in practice
- Often, lower level plans are non-existent which means that the Municipal Director Plan is the most detailed plan for the majority of municipalities
- Scale: 1: 25 000

URBAN DEVELOPMENT PLANS

- *PLANO DE URBANIZAÇÃO - PU*
- Can cover an entire city, but focus usually only on urban areas with development potential
- Not many fully implemented Urban Development Plans exist
- Scale: 1: 10 000 or 1: 5 000

LOCAL DETAILED PLAN

- *PLANO DE PORMENOR - PP*
- Define the layout and urban design of small parts of a city (limited use in practice)
- Can override the content of higher level plans
- Scale: 1: 5 000 or 1: 2 000

-▶ Override other existing plans
- ▶ Sub-ordinate plans must conform
-▶ Sub-ordinate plans do not need to conform
- Primarily policy / strategic guidelines
- Primarily land-use plans
- Strategic and land-use guidelines
- Partial geographical coverage

Spatial and land-use plans

The *National Programme of Spatial Planning Policies* is the most general plan in the Portuguese planning system and the only one that is approved directly by parliament instead of regulatory decision. It covers all spatially relevant policy fields, contains objectives for the spatial development of the country and provides guidelines for the planning process at regional and local levels. It is complemented by *Special Programmes* that are prepared at the national level and target areas with particularly high environmental and/or cultural significance, such as the coastlines, natural parks and archaeological parks. *Special Programmes* contain general guidelines on the management of these sites, but also detailed land-use plans.

Regional Programmes for Spatial Planning are prepared by the *Regional Co-ordination and Development Commissions* and approved at the national level, except in the cases of the two autonomous regions, where they are approved by the respective regional governments. Their main function is to translate national spatial planning policies into regional ones, to connect them to municipal policies and to plan major infrastructure investments at the regional level.

At the local level, three types of land-use plans exist. The most important plan is the *Municipal (or Inter-municipal) Director Plan*. As mentioned above, it can be prepared by municipalities and inter-municipal associations, but the latter case is rare in practice. All municipalities are required to have their entire territory covered by a *Municipal Director Plan*. Usually, it contains both strategic elements and land-use plans at a scale of 1: 25 000. According to the legislation, *Municipal Director Plans* are supposed to be complemented by two more detailed plans; the *Urban Development Plan* and the *Local Detailed Plan*. As these plans often do not exist, *Municipal Director Plans* are frequently the only existing statutory land-use plans and contain more detailed regulations than foreseen by the legislation.

Urban Development Plans are supposed to provide comprehensive zoning regulations for a significant part or the entire urban territory of a municipality. Although Portuguese legislation established them several decades ago, they are not common especially in small and medium-sized towns and even many larger cities are not fully covered by them. Instead, their function is often covered by *Municipal Director Plans*.

The lowest level land-use plans are *Local Detailed Plans*. They typically cover small neighbourhoods of particular importance for urban development at scales of 1: 5 000 or 1: 2 000. *Local Detailed Plans* have a particular place in the Portuguese planning system because they can override the regulations of higher level plans. As their preparation and approval process is complex and time consuming they are only used rarely.

Major laws and regulations

The *Law of Public Policy on Soil, Land-use Planning and Urban Planning* contains the framework legislation for the planning system. Together with its associated regulations and building code regulations, it is the most important legal text related to land-use planning. Other important laws and regulations are the regulations concerning environmental assessment, including *Strategic Environmental Assessment* and *Environmental Impact Assessment*, the *Water Law*, the *Code of Expropriations* and the implementation of the *EU Natura 2000* regulations.

Co-ordination mechanisms

Horizontal co-ordination occurs through the so-called *Government Service Conferences* that are scheduled at specific points in time during the planning process and assemble the relevant public

actors. Vertical co-ordination on an on-going basis is provided by the *Regional Co-ordination and Development Commissions* that have the task of connecting spatially relevant national and local policies.

Expropriations

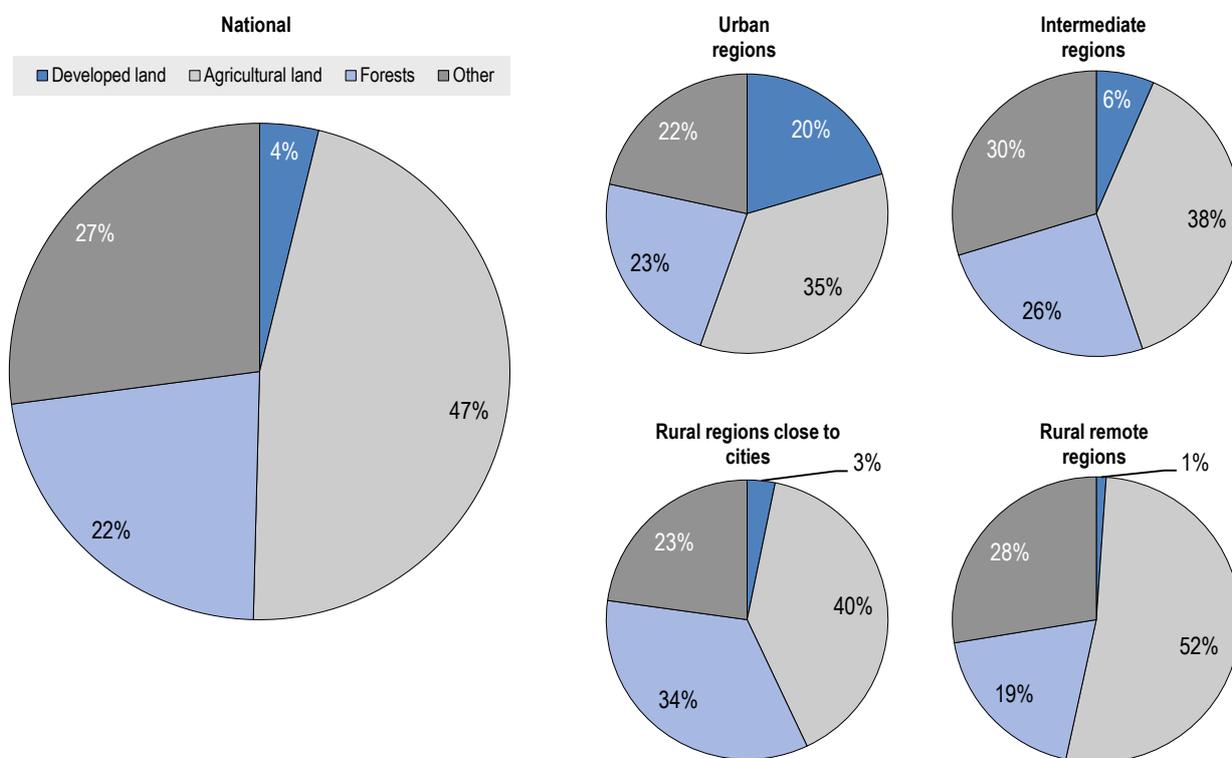
Expropriations of land are possible and common for a wide range of reasons such as the implementation of urban and rural regeneration programmes, spatial development programmes and transport and logistics infrastructure projects. However, land can only be expropriated into public ownership. Prior to expropriation, public authorities must attempt to buy land amicably and identify clearly the public benefit of the planned development.

Recent and planned reforms to the system of land-use planning

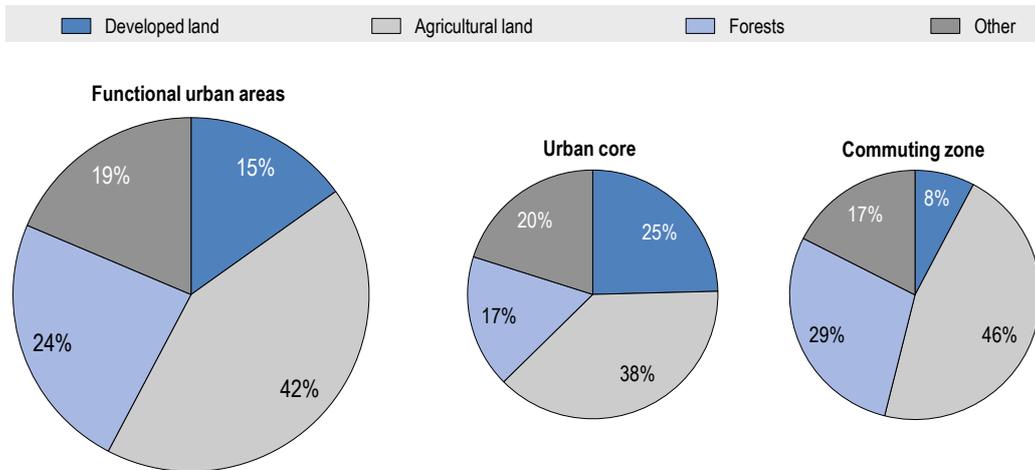
A major reform of the spatial planning system in Portugal took place in 2014/15. It aimed at strengthening the strategic dimension of the planning process. It created a clearer division between programmes on the national and regional levels that have primarily a strategic component and plans at local level that serve primarily to regulate specific land use. It also created the possibility for municipalities to form inter-municipal entities for joint planning and for changing land-use categories in an attempt to contain urban expansion. Furthermore, the reform streamlined the division of tasks between local and national governments and introduced monitoring requirements for programmes and plans.

Land cover in Portugal

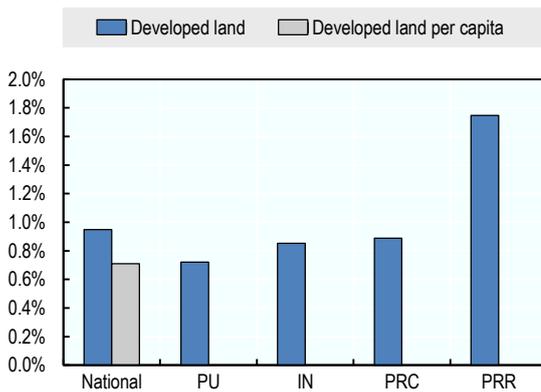
Land cover at the national level



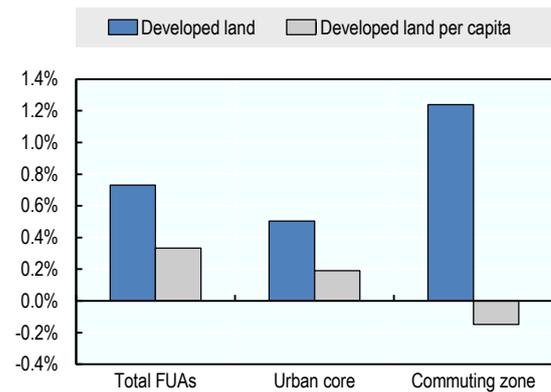
Land cover in functional urban areas (FUAs)



Annual change in developed land, 2000-12



Annual change in developed land in functional urban areas from 2000 to 2012



Note: PU: urban regions, IN: intermediate regions, PRC: rural regions close to cities, PRR: rural remote regions.

Note: Values for urban cores and commuting zones refer only to FUAs with more than 500 000 inhabitants.

Land-use trends in Portugal

Portugal has experienced fast growth of developed land. At an annual rate of more than 0.9%, growth of developed land was the fourth highest within the OECD. In per capita terms, the annual growth rate of 0.7% is the second highest within the OECD. Despite these high growth rates between 2000 and 2012, the area of developed land per capita is still slightly below OECD average with 335 square metres. Besides the increase in developed land, a strong decline in land covered by forests is noticeable in Portugal. Annually, forested land decreased by 1.2%, which corresponds to a total decline of 13.5% between 2000 and 2012.

Source: OECD calculations based on *Corine Land Cover dataset*.

Land cover at the national level in Portugal

Land cover (km ²)	National	Urban regions	Intermediate regions	Rural regions close to cities	Rural remote regions
Total area	92 032	6 574	18 951	11 497	55 009
Total developed land	3 527	1 344	1 230	363	589
Percentage of total	3.8%	20.4%	6.5%	3.2%	1.1%
Annual change in developed land, 2000-12	31.5	9.3	9.9	3.0	9.2
Annual percentage change in developed land, 2000-12	0.95%	0.72%	0.85%	0.89%	1.75%
Agricultural land	42 920	2 301	7 266	4 578	28 776
Percentage of total	46.6%	35.0%	38.3%	39.8%	52.3%
Annual change in agricultural land, 2000-12	-48.1	-4.8	-6.1	-2.0	-35.2
Annual percentage change in agricultural land, 2000-12	-0.11%	-0.21%	-0.08%	-0.04%	-0.12%
Forests	20 737	1 509	4 830	3 928	10 470
Percentage of total	22.5%	23.0%	25.5%	34.2%	19.0%
Annual change in forests, 2000-12	-268.1	-18.1	-36.4	-37.9	-175.7
Annual percentage change in forests, 2000-12	-1.19%	-1.11%	-0.72%	-0.91%	-1.52%
Land cover per capita (m²)					
Total developed land per capita	335				
Annual percentage change in developed land per capita, 2000-12	0.71%				
Agricultural land per capita	4 071				
Annual percentage change in agricultural land per capita, 2000-12	-0.35%				
Forests per capita	1 967				
Annual percentage change in forests per capita, 2000-12	-1.43%				

Land cover in functional urban areas (FUAs)

Land cover in FUAs (km ²)	FUAs	Urban core	Commuting zone
Total area	10 180	4 449	5 731
Total developed land	1 539	1 095	444
Percentage of total	15.1%	24.6%	7.7%
Annual change in developed land, 2000-12	10.7	6.5	4.3
Annual percentage change in developed land, 2000-12	0.73%	0.61%	1.03%
Agricultural land	4 339	1 691	2 648
Percentage of total	42.6%	38.0%	46.2%
Annual change in agricultural land, 2000-12	-5.2	-2.6	-2.6
Annual percentage change in agricultural land, 2000-12	-0.12%	-0.15%	-0.10%
Forests	2 408	771	1 637
Percentage of total	23.7%	17.3%	28.6%
Annual change in forests, 2000-12	-20.4	-9.4	-10.9
Annual percentage change in forests, 2000-12	-0.80%	-1.13%	-0.64%
Land cover per capita in FUAs (m²)			
	FUAs (50 000+ inhabitants)	Urban core (only FUAs 500 000+)	Commuting zone (only FUAs 500 000+)
Total developed land per capita	265	212	385
Annual percentage change in developed land per capita, 2000-12	0.33%	0.19%	-0.15%
Agricultural land per capita	746	191	2 272
Annual percentage change in agricultural land per capita, 2000-12	-0.51%	-0.54%	-1.51%
Forests per capita	414	59	995
Annual percentage change in forests per capita, 2000-12	-1.19%	-1.56%	-1.85%

Source: All land cover statistics for Portugal are based on OECD calculations based on *Corine Land Cover dataset*.