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The EU compendium of spatial planning systems and policies **Portugal**



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of spatial planning
systems and policies
Portugal**

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Cataloguing data can be found at the end of this publication.

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Preface

Each year, the Regional Policy Directorate-General of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.

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Compendium's objectives

The Compendium is made up of numerous documents. The main volume is the Comparative review of systems and policies (Regional development studies — Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies — Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU.

The Informal Council of Ministers for regional policy and planning confirmed in 1992 the need for a Compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The Compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the Compendium is to provide information in order to improve understanding of the variety of approaches.

Form and content

The principles that have guided the preparation of the Compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross-reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

Level of detail

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unnecessary detail. The panel of experts have been most helpful in determining where more or less (or clear-

er) explanation is required. The Compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the Compendium for Member States will vary.

The Compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

Regional variations

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

Structure

The Compendium is published in two parts. The first comprises a country volume for each Member State on Systems and Policies. The second part comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The Country volumes of the Compendium covering systems and policies include four main sections.

A. Overview

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national, regional and local levels.

B. Making and reviewing plans and policies

This is an explanation of the instruments which are used to guide spatial planning at national, regional and local levels, and the procedures which are used in their formulation.

C. Regulation and permits

This section provides an explanation of the types of regulation and permit systems predominantly used to control land use change, and the procedures by which they are sought, granted and enforced.

D. Agencies and mechanisms for development and conservation

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulation, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage. Each volume on systems and policies for the Member States follows the same format. Each Member State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the Compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italic in the text. When first used these terms should be accompanied by a very brief explanation of the meaning of the term (if this isn't evident from the text). The explanation is repeated if necessary at the first mention in later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translations of terms has been avoided because this gives rise to considerable ambiguity. For example the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK *local plan* is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

Scope and content

The content of the Compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land use and development issues which have spatial implications'. In the words of the brief the Compendium is concerned with

spatial planning and development in the widest sense (strategic, regional and physical land-use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land use) planning system.

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the spatial planning system in different Member States. One benefit of the Compendium is that it helps us to understand these differences.

Benchmark date

Because of the need for the Compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas. In the case of Portugal with the publication of the framework regulations on spatial planning and town planning in August 1998, Law 49/98, the national planning system undergoes changes, in particular because of the introduction of the national spatial planning programme and because of the obligation for coordination of sector-based plans with regional plans for spatial planning. As a result of this law, from now on only municipal plans for spatial planning will be binding for private individuals.

The ruling proposals of Law 49/98 are, for the time being in April 1999, undergoing public consultation.

For updated information, please contact the responsible national authority at the following address:

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Author's note

According to the contract to produce the Compendium of spatial planning systems and policies, all sub-contractors responsible for the preparation of the national reports were expected to provide an overview of the respective system in place on 1 January 1994. The case of Portugal was no exception, which means that this report is bound to include information already dated and not including information related to recent policy initiatives and legislation and regulatory developments. To account for the new structure of government and planning and environment administrations, these new illustrations on the organisation of the government and of the current *Ministério do Equipamento, Planeamento e Administração do Território (MEPAT)* (Ministry of Public Works, Planning and Territorial Administration), and of the current *Ministério do Ambiente (MA)* (Ministry of the Environment) which have replaced the old *MPAT* and *MARN* respectively, have been included in the annex.

Nevertheless, and in the overall, the authors believe that most of the information included in this report is still able to provide a fair picture of the Portuguese planning system, concerning both the legislative foundations and administrative structures and the particular aspects of the national approach to planning practice.

We would like to thank those who have collaborated in the project and provided information, in particular the Director Geral do Ordenamento do Território (Director General for Physical Planning) Dr Pinto Cruz and Dr Mendes Baptista, the Planning Departments of the municipalities of Albergaria-a-Velha, Águeda and Coimbra, the Comissão de Coordenação da Região Norte (Northern Region Coordination Commission), the Coordinator of the Plano Regional do Ordenamento da Zona Envolvente do Douro, Arqt. Rui Loza, the GAAPE Planning Consultants, the technical staff of the CEIDET ⁽¹⁾ and the Secção de Planeamento do Território e Ambiente of the Faculdade de Engenharia da Universidade do Porto (Planning and Environment Division of the Faculty of Engineering of Oporto University) and in particular to Mr Manuel Guimarães, who was responsible for the diagrams and maps included.

⁽¹⁾ Centre for Research on Innovation, Entrepreneurship and Territorial Development.

A. Overview of planning systems

General overview

A1. The planning legal framework for Portugal is spread over a number of legal documents emphasising the procedural aspects of plan preparation, statutory approval processes, plan implementation and development control, though in practice the Portuguese planning system is increasingly becoming plan led with the *Plano Director Municipal (PDM)* (Municipal Director Plan) playing a major role.

A2. The preparation of the *PDM* is the responsibility of every local authority *Municípios* (municipalities), which means that soon the whole country will be covered by this type of plan. The *PDMs* are binding statutory documents, aimed at structuring the municipal territory for development control purposes. The physical zoning adopted in these plans is based on the concept of dominant land-use classes (and not exclusive land-use classes) allowing, in principle, for some flexibility in implementation. *PDMs* provide an overall framework for the preparation of more detailed local level plans, such as *Planos de Urbanização (PU)* (urban development plans) and *Planos de Pormenor (PP)* (detailed local plans) (see Section A on Constitution, legislation and judicial system).

A3. *PDM* preparation procedures are designed to articulate central government's sectoral initiatives, which have spatial implications, with local planning policies. The *PDM* should also reflect the contents of the so-called *Planos Regionais de Ordenamento do Território (PROT)* (Regional Physical Plans) wherever they have been prepared, and establish the necessary coordination among different sectors of municipal intervention which have an important spatial dimension (for

example the provision of infrastructures and local public services).

A4. Development proposals with land-use implications require the submission of a planning application to the local authority and, after approval, the subsequent issue of a licence. The main objectives of the licensing process are to enforce and ensure development proposals conform with land-use plans and general planning regulations and building specifications.

A5. With the emergence of the *PDM* concept, in the early 1980s, an important step was taken to depart from a long-established tradition of blueprint planning. For many decades, planning was seen as an exclusively policing activity. Its only objective was to ensure that, in the process of urban land development, no detrimental impacts were directly inflicted on third parties. Until 1971 the municipal exercise of development control was based on the Administrative Code of 1936-40 and the Decree Law No 33921 from 1944, and was geographically limited to existing town and city boundaries.

A6. In 1965 the Decree Law 46673 rules and legalises the so called *Loteamento* (the private initiative of land subdivision and infrastructures provision). Before this date, such activities were attributed exclusively to municipal authorities. The lack of flexible incentive schemes and tools, and of a long-standing planning tradition meant that, throughout this period, planning practice was essentially based on the imposition of restrictive measures and controls, often with ineffective or inefficient results.

A7. The Decrees Law No 560/71 and 561/71 introduced three new types of plans into the Por-

tuguese planning system, namely the *Plano Geral de Urbanização (PGU)* and the *Plano de Pormenor (PP)*, referred to above and still in operation, and the so called '*Planos Gerais de Urbanização de Áreas Territoriais*' (general urban development plans for territorial areas) *PAT* for short. With the *PGU*, the boundaries for municipal planning intervention were marginally extended to include adjacent countryside areas for urban expansion. (At present, the *PGU* correspond to the so-called *Planos de Urbanização, PU* for short.)

A8. With the *PAT* — intended to cover an area possibly incorporating several municipalities — the conceptualisation of the Portuguese planning system finally embraced the whole territory, gaining a truly 'town and country planning' dimension. The preparation of *PAT* was a responsibility of central government though few were prepared during the 1970s. With the emergence of a stronger local administration, this type of plan has fallen into disuse, and a new policy instrument, the *Plano Regional de Ordenamento do Território PROT*, a regional physical plan aimed at structuring supramunicipal area units with specific planning problems, has been developed. The preparation of the *PROT* is a responsibility of the *Comissões de Coordenação Regional (CCR)* (see Section A on Government structure and powers).

A9. Currently, the nationwide preparation of *PDM* represents a massive and unprecedented planning effort which is in sharp contrast with previous planning experience. In fact, with the exception of the larger cities, very few municipalities had in the past prepared statutory urban development plans and even fewer had them formally approved by central government.

A10. A 'new cycle' of planning is progressively emerging. The regulatory approach with the imposition of planning constraints, justified by abstract technical criteria and bound to be ineffective in practice, is giving way to new forms of positive urban design. There is a growing environmental awareness that the design of the urban space needs to be informed by socially sensitive and economically grounded strategies, much of which has been neglected in the past.

A11. Also, the scale of recent spatial change in Portugal, combined with the growing public awareness of its relevance, is calling for a deeper understanding of the national and international roots of this phenomena. New forms of strategic planning are therefore emerging. The *Progra-*

ma de Consolidação do Sistema Urbano Nacional e Apoio à Execução dos Planos Directores Municipais (PROSIURB) (a recent government initiative intended to support the consolidation of medium-sized towns with a structural role in the Portuguese urban network (see Section A on Policy) has to be regarded in this promising context, in which planning efforts are steadily moving from a system dominated and based on the *PDM* concept to innovatory forms of strategic planning at local level.

Context and principles

Constitution, legislation and judicial system

A12. The Portuguese Constitution of 1976 (and subsequent amendments and periodic revisions) defines land-use planning and development control as a public administration duty (Article 66). The planning system must promote 'an adequate location of different economic activities, a balanced social and economic development and biologically sound landscapes'.

A13. The Constitution defines private property rights and the right to a fair compensation for the compulsory acquisition of land and property for public purposes and on the public interest (Art. 62) (see Section A: Land policy and land and building quality). It also defines the rights to public participation in decision making (Art. 52). This takes the form of citizens' rights to information, access to files and archives and to decisions' justifications and rights of appeal.

A14. According to the Constitution, the Portuguese political system comprises three administrative levels: central, regional and local government, on the mainland of Portugal, and two autonomous regional Governments for the islands of Azores and Madeira. On the mainland, regional administrations have not yet been created in the sense of being supported by an autonomous political power as it exists in Azores and Madeira. The principle of administrative decentralisation is clearly adopted.

A15. The most important planning legislation consists of the different decrees/laws that define each type of plan the *Plano Regional de Ordenamento do Território (PROT)* (Regional Physical Plan), the *Plano Director Municipal (PDM)* (Municipal Director Plan), the *Plano de Urbanização*

(PU) (Urban Development Plan) and the *Plano de Pormenor (PP)* (Detailed Local Plan) the *Lei dos Solos* (Land Law), the *Código das Expropriações* (Code of Compulsory Purchase), and of a variety of decrees dealing with building licensing, land subdivision schemes and urban development works and infrastructures. The typology of plans also includes a number of special purpose plans for nature conservation areas, for the protection of special monuments and cultural heritage areas, etc. These are detailed in Section B.

A16. It is important to mention that planning legislation and planning regulations are spread over a large number of different legal documents. Although, in the past, a number of proposals and legislation projects have been informally discussed, there is still no framework law for physical planning. The need for this type of general, conceptual, structural and policy oriented law is, at present, widely recognised by most professional planners and, indeed, recognised by the government.

A17. Plans are administrative regulations providing central and local government with specific powers to impose sanctions if they are not respected. Planning decisions are subject to rights of appeal by interested parties, and this includes court action. In addition, the *Inspecção Geral da Administração do Território (IGAT)* (General Inspectorate of Territorial Administration) is a central government agency with legal supervising responsibilities over all administrative decisions associated with development control and the enforcement of land-use plans.

A18. The Portuguese Constitution also includes a number of mechanisms which guarantee citizens rights to contest administrative decisions, through the 'petition right' and the 'right to popular action'. The latter includes the right to demonstrate against activities endangering public health, the natural environment, the quality of life or the cultural heritage.

A19. In practice, however, court actions associated with planning decisions are rare in Portugal. There are a number of reasons for this. In the past, very few plans reached the final stages of the plan-approval process, and have thus been essentially indicative documents without any legal status. Also, judicial procedures are time-consuming and expensive, therefore the preference is for out-of-court informal negotiation mechanisms.

Development process and market circumstances

A20. Development proposals come mainly from the private sector, particularly for housing, industrial, commercial and service activities. Central and local government are mainly responsible for infrastructure, such as roads, water supply, waste-water collection and treatment, urban solid waste collection, disposal and final treatment, and the provision of social housing and public services, such as education and health. A number of public sector enterprises (State owned) guarantee essential services, such as electricity, post, telecommunications, etc. There is a move towards the privatisation of some public services, and examples include the water industry, from supply to sewage collection and treatment, and the collection and final treatment of urban solid waste.

A21. The collaboration between the different levels of government and the private sector has largely been achieved through incentive programmes from national or European Community initiatives, which are sectoral or regional in nature. For some specific projects, partnerships have been established, joining different municipalities and central government departments, including or not private enterprises. (See Section D on Municipal Associations and on Contract Agreements.)

A22. As a general principle, planning rules are not influenced by the economic situation. However, policy instruments with spatial specific orientations, such as regional investment incentives or industrial location policies, may have an important role in attracting investment to certain parts of the country, usually with lower levels of economic development. But at present, the formal planning system has, in Portugal, relatively weak links with regional economic planning. The exception, in practice, is the operation of the *Comissões de Coordenação Regional (CCR)* (regional coordination commissions) which play a linking role between physical and economic planning within planning regions (see Section B: Policy institutions).

Economic development

A23. The *Plano de Desenvolvimento Regional (PDR)* (Regional Development Plan (1994-99)) defines the preparation of the Portuguese economy for global competitiveness as a national pri-

ority. It stresses the role and importance of human resources, aims to improve workforce skills and maintain high levels of employment. As a result, together with proposals for major infrastructures of national interest, it proposes a number of interventions targeted towards education, science, technology and innovation, professional training and the creation of new jobs.

A24. The strengthening of actual competitiveness justifies a large number of interventions and projects related to development support infrastructures, such as transport and ports, telecommunications and energy, and to improving entrepreneurial capacity in sectors such as agriculture, fisheries, manufacturing industry, trade and services.

A25. The reduction of regional development inequalities is another strategic goal of the Portuguese Regional Development Plan, through a number of initiatives to promote regional and rural development and including several operational programmes.

A26. The Regional Development Plan also aims to contribute towards a better quality of life and social cohesion, by defining a number of actions to protect and enhance the natural environment, to promote urban revitalisation, public health and social integration.

A27. The impact of economic development policies in the Portuguese physical planning system is significant. It is not only a question of the location of major investments in trunk roads, infrastructures and public services, the preparation of the *PDM* allows and provides incentives for the coordination of central government institutions with local planning policies. One of the tasks of the *Comissões de Acompanhamento (CA)* (accompanying commissions), comprising a number of officials from different central government departments (see Section A on Government structure and powers), is to coordinate central government investment proposals which have to be accommodated in local land-use strategies.

Environmental policy

A28. The main priority of Portuguese environmental policy is water resources management and planning. It is intended that there will be a rapid increase in the percentage of the population served by public water supply, sewerage systems and waste-water treatment plants (at present low by EU averages).

A29. Water resources management is vital in Portugal, given the sharp contrasts between the rainfall levels of the north and south and the uneven distribution of rainfall throughout the year. Protection of the coastline is another priority. Increasing urban and tourist development pressures on the coastline, coupled with the sensitive and unstable coastal environments, requires effective control and mitigation measures.

A30. Other important components of current Portuguese environmental policy include the final treatment and recycling of urban solid wastes, nature conservation and environmental education as a means to increase public awareness of environmental problems.

A31. The links between environmental policy and the planning system are most obvious in relation to nature conservation. Not only is there a national network of special protected areas, with different status, but also specific planning measures for particular natural areas such as the coastal zone and natural or man-made reservoirs (see Section D on environmental conservation institutions and instruments).

A32. In addition, definition of the *Reserva Ecológica Nacional (REN)* (national ecological reserve) is a duty of all municipalities, in the preparation of the *PDM*. Other topics and areas of current environmental legislation have less obvious links with the planning system (e.g. air and water pollution control). In Portugal, the *Avaliação do Impacte Ambiental (AIA)* (environmental impact assessment) system is based on specific procedures which are independent from the planning system. The *AIA* system — a responsibility of the Ministry of Environment and Natural Resources — is designed to run in parallel with sectoral licensing procedures and planning permission. This option aims to avoid unnecessary delays in project approval processes. The final decision, whether or not a project can go ahead and with what conditions and limitations, usually depends on the outcome of the *AIA* process. In principle, this decision is not binding, although it is taken into consideration by the licensing authority in the vast majority of cases.

European Union

A33. The impact of the EU on the Portuguese planning system is not significant as far as procedural or institutional arrangements are concerned. However it is particularly important with

respect to regional development and changing spatial dynamics.

A34. All Portuguese regions have an Objective I status. The financial support has mainly been geared towards the construction of major nationwide infrastructures and equipments which have a strategic role in regional development (e.g. trunk roads, telecommunications, electricity and natural gas pipelines, water supply schemes, etc.). These projects have an obvious spatial structuring impact. In particular, transport policies are currently trying to address the whole issue associated with spatially uneven development. The prosperous coastal strip contrasts with the interior regions, characterised by declining local economic activity and consequent significant loss of resident populations.

A35. These large investments are taking place at a time when the majority of the local authorities are finalising their *PDMs*. Therefore, it has been possible to foresee, account for and, in some cases, negotiate the expected spatial impact of these projects, taking advantage of the *PDM* preparation process.

A36. Concerns about the process of European economic and social integration have also been incorporated into the planning of large cities such as Lisbon and Oporto and in the strategic planning studies of the corresponding metropolitan areas.

A37. There is also a growing involvement of a number of Portuguese municipalities in European networks of cities and regions, (e.g. Eurometropolis, Atlantic Arch, Labour Community of Galicia — northern region of Portugal).

A38. Finally, the impact of the Community agricultural policy (CAP) on the agricultural sector is steadily changing the rural landscape. With changing competitive conditions, the abandonment of some traditional agricultural productions and the rapid fall of population actively engaged in the agricultural sector, the rural population is declining sharply, being increasingly attracted to large and medium-sized cities.

Flexibility

A39. From a legal point of view, physical plans are administrative regulations. In this sense they are rigid documents of a normative nature, subject to periodic revisions, establishing penalties if not respected.

A40. From a technical point of view, the rules incorporated into the different types of plans present different levels of detail and, as a result, exhibit different levels of flexibility. For example, the *PROTs* are essentially structure plans defining broad macro zoning and general land-use policies.

A41. The *PDM* defines dominant land uses, whereas the *Plano de Pormenor (PP)* (a detailed local plan) defines with precision the conditions and technical requirements that buildings and other structures must follow, including size and volume, number of floors, specific uses and functions, types of intervention in, including rehabilitation of existing buildings, landscape projects, roads and transport, etc.

A42. The revision of a plan depends upon a political decision which can be taken at any time. Plan revision procedures are similar to those of formal plan approval.

Government structure and powers

A43. The central government department directly associated with the planning system is the *Ministério do Planeamento e Administração do Território (MPAT)* (Ministry of Planning and Territorial Administration). (In 1996 MPAT was restructured and became the *Ministério do Equipamento do Planeamento e Administração do Território (MEPAT)*). Within this Ministry there is a *Secretaria de Estado da Administração Local e Ordenamento do Território (SEALOT)* (Secretary of State for Local Administration and Physical Planning). *MPAT* and *SEALOT* are strictly political departments responsible for major political decisions, government legislation and policy guidelines. The technical and administrative support is provided by a Directorate General (see the diagrammatic representation of the organic structure of the *MPAT*).

A44. For each of the five regions of the Portuguese mainland, the *MPAT* has established a *Comissão de Coordenação Regional (CCR)* (Regional Coordination Commission). Each of these Commissions includes one *Direcção Regional do Ordenamento do Território (DROT)* (Regional Directorate for Physical Planning) (for more details see Section B).

A45. The islands of Azores and Madeira have autonomous *Governos Regionais* (regional governments), with their own physical planning departments.

A46. At local government level, the *Câmaras Municipais (CM)* (municipalities) represent, in practice, the most important institutions for planning purposes because of their direct responsibility for plan making and development control. The political power within a *CM* is shared between an executive, headed by the President of the *CM*, and a municipal assembly. Local elections for the President and for the Municipal Assembly take place every four years.

A47. In practice, the Portuguese planning system is essentially a two-tier system (national and local) with the regional planning being performed by central government agencies operating at the regional level — *CCRs*. Central government is therefore responsible for the preparation and approval of the *PROTs* which act, in practice, as general frameworks and policy guidance for the preparation of the *PDMs*. The preparation of these plans is a local government responsibility. However, central government closely scrutinises municipal plan preparation and is responsible for the final and formal approval of these local plans.

A48. In the absence of this final approval, *PDMs* have no legal status and, in such cases, most municipal planning powers are exercised by the *CCRs*. This includes the power to compulsory purchase on public interest grounds, and the licensing of subdivision projects. Furthermore, local authorities which do not yet have formally approved plans have restricted access to joint investment programmes from the central administration. This is seen as a sanction for what is considered to be an unjustifiable delay in plan preparation processes.

A49. Finally, the conceptualisation of the Portuguese planning system calls for close coordination with other sectoral initiatives which have spatial implications. In other words, the *Comissões de Acompanhamento (CAs)* (accompanying commissions) are set up at the beginning of the *PDM* plan preparation process, made up of representatives from different sectoral ministries, e.g. Transport, Education, Health, tourist boards, etc., and chaired by a representative of the *CCR*. They are intended to establish, right from the early stages of plan preparation, the links and compromises necessary to make viable and attractive future sectoral investments from central government. These investments have to be adequately coordinated with local planning policies included in the *PDM*.

A50. The work of these Commissions shows that, in practice, it has been difficult to achieve the ideal integration of sectoral projects with municipal planning policies, within a strategic framework for local development. Nevertheless, a good degree of co-responsibility and investment coordination among the different actors and agencies is normally achieved through the *PDM* preparation process.

Land policy and land and building quality

A51. Land policy is based upon the rights of private property. The compulsory acquisition of land for public purposes is usually taken as a last resort, when all other negotiation processes have failed. Compulsory purchase is associated with the concept of 'fair indemnity' to the property owner, i.e. the current market value of the property must prevail. Portuguese legislation assumes the fundamental difference between the rights of private property and land development rights. A landowner or developer always requires prior authorisation to carry out a development project. To obtain the necessary authorisation, a licensing procedure has to be followed.

A52. The legislative framework directly dealing with land policy includes the *Lei dos Solos* (Land Law), *Lei dos Loteamentos* (Subdivision Law) and the *Código das Expropriações* (Code of Compulsory Purchase). Land policy also theoretically relies on fiscal measures, including municipal urban development taxes, betterment taxes and compensation payments. In practice, these policy instruments have relatively modest results. Municipal taxes are fixed at comparatively low levels and betterment taxes have seldom been applied.

A53. Other policy instruments which were designed to force urban development include the *Áreas de Desenvolvimento Urbano Prioritário (ADUP)* (priority areas for urban development) and *Áreas de Construção Prioritária (ACP)* (priority areas for building construction). However, these policy instruments enacted in the mid 1980s have seldom been applied in practice.

A54. There are a number of situations where restrictions to the use of land are determined outside the planning system or not strictly in accordance with planning criteria, but have to be incorporated in land-use plans and development control decisions. This is the case of the public water domain, a strip of land bordering the

coastline and both sides of the main water courses where severe restrictions to the use of land are applied.

A55. With the *Reserva Agrícola Nacional (RAN)* (National Agricultural Reserve) the best soils for agricultural purposes are zoned and, according to present law, planning permission can only be granted under certain specific conditions (e.g. when the construction of a house is seen as essential to enable a family of farmers to establish or continue to carry out agricultural activities).

A56. The *Reserva Ecológica Nacional (REN)* (National Ecological Reserve) is another example where restricted planning powers apply, in this case in the name of nature conservation. All municipal master plans have to define the most important areas for nature preservation in accordance with a pre-established set of criteria that are applied throughout the country (for further information see Section D).

A57. The *Parques Nacionais* (national parks) and the *Reservas Naturais* (nature reserves) are examples of special status areas where municipal planning powers are transferred to the *Instituto de Conservação da Natureza (ICN)* (Nature Conservation Institute), which is a central government agency operating within the Ministry of Environment and Natural Resources (see Section D on environmental policy institutions).

A58. Finally, with different types of 'rights of way' and 'protection areas' of special buildings and major infrastructures such as motorways, public buildings, military institutions, airports or designated national monuments, municipal planning powers are, in practice, transferred to either special purpose agencies or existing central government departments (see Section D).

Plan led/development led

A59. Portugal seems to be moving from an essentially development led situation, characterised by few formally approved land-use plans with effective powers, to a plan led situation with the emergence and rapid coverage of the national territory by *PDMs* which are, at present, in the final stages of formal plan approval.

A60. The political, subjective and potentially biased analysis of planning applications, carried out on a case-by-case basis, is steadily evolving towards an objective and essentially technical

analysis of planning applications based upon the regulating contents of the *PDMs*.

Political priorities

A61. According to a 1994 report on the state of town and country planning in Portugal (a document issued by the *MPAT*), the main political objectives for planning are:

- an urgent conclusion of plan preparation and final approval of all *PDMs*;
- to achieve a balanced spatial pattern of development to reduce present uneven development trends between the prosperous coastal regions and the declining interior and rural areas;
- a steady reduction of population concentration in the two metropolitan areas of Lisbon and Oporto;
- to restructure the economic base of Portuguese metropolitan areas and development of new industrial centres;
- a general increase in the standard of living and quality of life of the population;
- to strengthen the network of medium-sized urban centres.

Political system, administrative system and public participation

A62. For planning purposes, the gap left by the absence of the regional tier of government (see Section A on Constitution, legislation and judicial system) is filled by the *CCRs*, which are central government agencies operating in the five regions of the Portuguese mainland, under the umbrella of the *MPAT*. In practice, these agencies are responsible for regional planning, technical support and overall coordination of municipal planning initiatives.

A63. Groups of municipalities can also obtain the special status of *Associações Municipais* (municipal associations) if common problems justify joint action. In practice common problems may be associated with the planning and management of a common natural resource (e.g. an estuary) or with common infrastructures projects (e.g. water supply, urban solid waste treatment plants, etc.).

A64. Finally there are two special agencies, called *Junta Metropolitana* (Metropolitan Junta),

operating within an institutional arrangement similar to an association of municipalities. These are for the metropolitan areas of Lisbon and Oporto.

A65. Local officials and external consultants both work under the close scrutiny of local politicians, who have the ultimate power to approve or refuse an application. Planning officials carry out current development control activities. They analyse and produce recommendations for the approval, refusal or approval under certain conditions of planning applications submitted to local authorities. They also have the responsibility of preparing local plans, although often they may be helped by external consultants.

A66. External consultants frequently have a major role in plan preparation. Some *PDMs* and *PUs* (urban development plans) are produced totally outside the local planning office. In other cases mixed teams of external consultants and local officials prepare planning documents.

A67. In accordance with constitutional law (see Art. 52), plan preparation procedures necessarily comprise a public participation exercise. Public participation procedures are carried out in the final stage of the plan preparation process when most options and alternatives have already been defined. They include publicity and consultation in the form of a public inquiry. As a result, the scope of public participation in planning tends to be limited to citizens' interests on property development rights rather than on a wider discussion of planning policies or local development strategies. Only in the larger municipalities, better equipped from a technical point of view and with higher levels of public awareness, is there scope to effectively carry out such wider discussions on local planning issues.

Population and statistics

A68. The population trends and settlement system changes of the 1980s can be summarised as follow:

- Stabilisation of growth between 1981 and 1991 (the years of the last two population censuses). In this period, the overall population increase in Portugal was only 23 000 inhabitants, which corresponds to a 10-year growth of only 0.2 %. At present, the Portuguese population is stable at around 10 million inhabitants.
- Significant ageing of the population with a rapid fall in birth rates and stable death rates. At present, these rates are about the same at 11 % a year.
- A long established trend of concentration of population in municipalities on the coastal zone and growth of the small and medium-sized urban areas.
- Population decrease in the core zones of the two metropolitan areas (Lisbon and Oporto).
- Changing household structure with increased levels of family mobility, decreasing family size and growth of single parent families.
- Continued and persistent depopulation of the rural parts of Portugal.

A69. The population of Portugal comprises a mainland component (approximately 9.5 million) together with the islands of Azores and Madeira (approximately 0.5 million). The mainland is divided, for planning purposes, into five regions (NUTS II) with populations ranging from almost 3.5 million in the Northern Region to 340 000 inhabitants in the Algarve Region (see Table 1).

Table 1: Portugal: Tiers of government

Level	Number	Area (¹)	Judiciary (²)
Central government	1	91 854	9 863
Regional government	2	780 and 2 365	253 and 238
Deconcentrated services of central government (CCRs)	5	from 4 960 to 26 930	from 341 to 3 473
Local government	305	from 7 to 1 480	from 0.34 to 663

(¹) Area in km².

(²) Population in thousands of inhabitants.

A70. The regions are divided in groupings of municipalities (NUTS III). The municipality (also called *Concelho* — council) is the most relevant spatial unit for planning purposes. Each municipality prepares a *PDM*. In Portugal there are 305 municipalities with populations ranging widely from more than 600 000 inhabitants in Lisbon to less than 5 000 inhabitants in remote rural areas or small Atlantic islands (see Figure 1).

A71. Although the Portuguese urban system is dominated by the metropolitan areas of Lisbon and Oporto, with approximately 2.5 and 1.5 million inhabitants, the overall level of urbanisation is low compared to other European countries. Most of the population is concentrated in the coastal strip and in the larger urban centres.

Sectoral policy

A72. The coordination of sectoral and spatial development policies can be analysed at two different levels. At the regional level, *CCRs* play a fundamental role in the coordination of the different central government policies with regional spatial implications. Furthermore, they also have an important role in the communication and negotiations that take place between central and local government, channelling information from the top down and bottom up, in what regards investment proposals and development policies.

A73. At local level, the role of the *CAs* in the *PDM* preparation process (see Section A on Government structure and powers) reflects an obvious concern over the achievement of an adequate coordination of different sectoral initiatives.

Trends

Central/local power

A74. In the past the Portuguese planning system has been rather centralised. Local authorities with limited financial and technical resources were bound to accept the selective support of central government when they tried to implement their own physical plans. In the absence of these plans (the most frequent situation) most planning powers were carried out by central government agencies operating at regional and district level (a supramunicipal level without, at present, particular relevance as far as planning is concerned).

A75. Currently, many powers are centred on the *CCRs*. However, more recent legislation states

that all local authorities with a formally approved *PDM* gain full planning powers, namely in development control and in urban development plans' reparation and enforcement. As a result, there are clear signs of a trend towards decentralisation. The technical capacity of a municipality to prepare a *PDM* and to get it finally approved by central government is a vital step in making it independent from centralised planning powers.

Flexibility/certainty

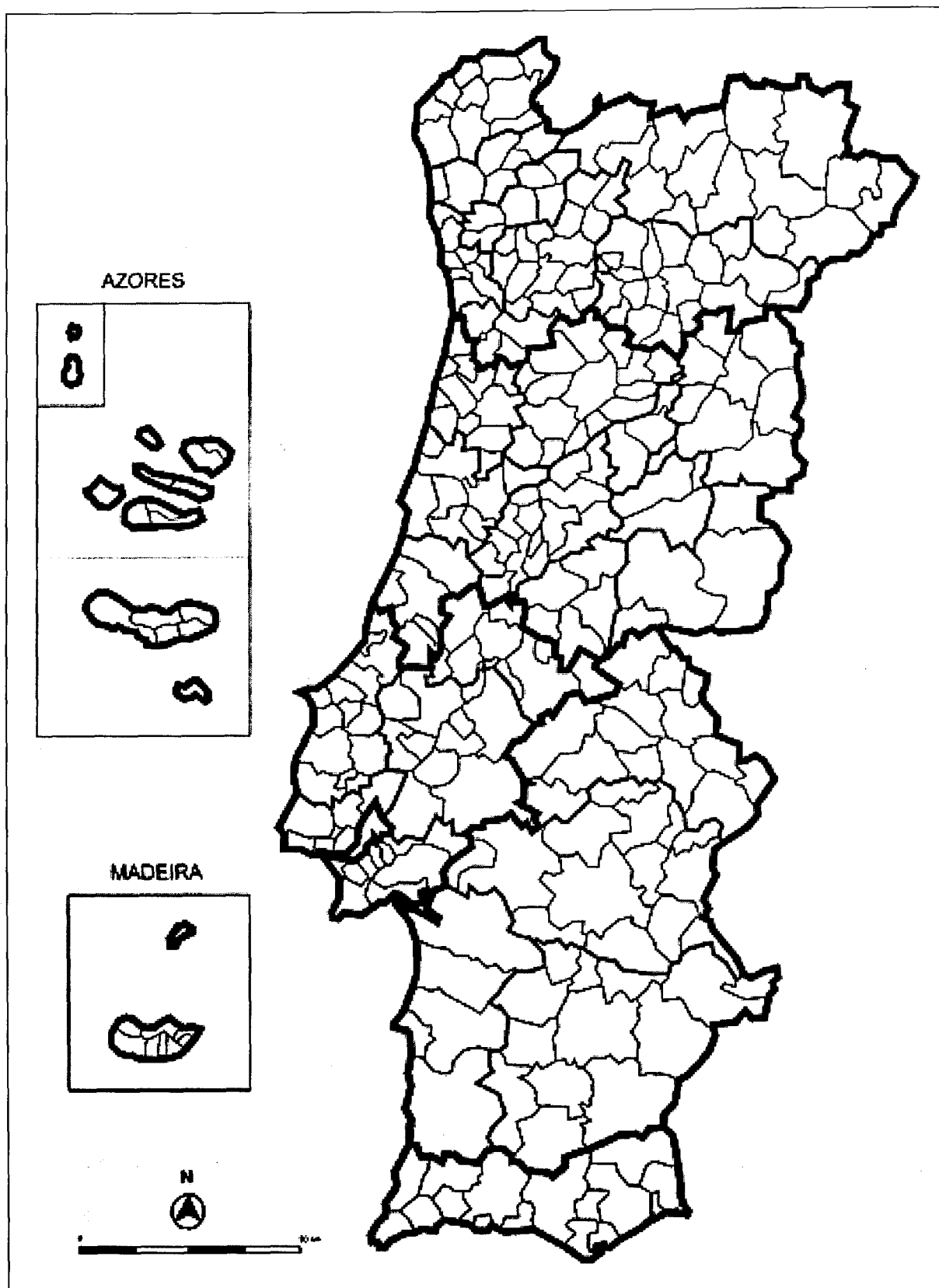
A76. Portugal is rapidly moving from a rather flexible system with very few statutory planning documents in operation towards a more rigid system with formal approval of all *PDMs* covering the whole Portuguese territory. Although the overall concept and planning principles of the *PDM* represent a departure from traditional blueprint planning, a large number of *PDMs* have been prepared as if they were urban development plans with detailed planning measures, likely to be unable to encompass all future investment proposals and local development problems. Despite those misgivings, this trend, towards a more rigid system, is generally recognised as a necessary measure, in a country lacking the experience of a long established and extensive physical planning system.

Government structure

A77. The lack of an intermediate level of planning, i.e. between the local (municipal) level and the central administration, can be regarded as an important planning issue. The apparent bipolarisation of the Portuguese system of government between municipalities and central administration could be seen as representing a burden on the central level (which deals with all and each of the 305 municipalities). On the other hand, the fragmentation of responsibilities from the central level could lead, from the perspective of the local level, to a complex pattern of institutional relationships and bureaucratic processes.

A78. In practice, however, the *CCRs* perform important planning tasks filling the institutional gap created by the absence of regional authorities. This involves the preparation of the *PROTs* following Council of Ministers' decisions and, when appropriate, the licensing of particular development projects, such as large shopping centres. Nevertheless, the lack of political accountability of these regional agencies has led, in some circumstances, to institutional conflicts, in particular with the municipalities.

Figure 1: Portugal: administrative structure: Adjacent Islands of Azores and Madeira and NUTS II — Regions (5); NUTS III — grouping of municipalities (28); municipalities (305)



Source: Carta Administrativa de Portugal.

A79. Some investment programmes and projects (like infrastructure projects) or development issues (development strategies in rural, less-favoured areas) do require a supra-local approach. This provides an explanation for the proliferation of *Associações Municipais* (municipal associations) gathering on a voluntary basis a number of neighbouring municipalities. In practice, however, they are not always endowed with the binding mechanisms and strategic and long-term planning abilities that these projects and issues require.

A80. Furthermore, the 'municipal' focus of planning without any coherent supra-municipal development framework has led to the neglect of some basic planning issues. For instance, the 'autonomous' planning approach of each municipality makes it difficult to give any considerable thought to the role of the (regional) urban network in spatial development process.

Policy

A81. There are indications that Portuguese society is making new demands upon the planning system. Indeed, growing concern with the environment and environmental quality is a case in point. Other issues are also becoming a focus of planning concern. Drastic changes in the structure of economic activity and their spatial impacts, of which agricultural change and the declining prosperity of rural areas are clear examples, has led to the emergence of new concerns. The planning system is being increasingly loaded as the focus for these concerns where they can be dealt with and acted upon.

A82. The so-called *Programa de Consolidação do Sistema Urbano Nacional e Apoio à Execução dos Planos Directores Municipais (Prosiurb)* (a programme to consolidate the Portuguese urban system and support the implementation of PDMs) is the most recent government initiative with respect to the planning system.

A83. The programme aims to address spatial imbalances associated with recent development processes in Portugal. It regards the network of medium-sized urban centres as a key element of regional planning in order to sustain migration flows to the most developed littoral strip.

A84. For eligibility purposes, the *Prosiurb* requires that municipalities not only have a formally PDM approved, but also a municipal strategic plan to guide and attract future development.

The concept of a *Plano Estratégico Municipal* (municipal strategic plan) is innovatory in the context of the current planning system.

A85. In summary, the scope of the planning system is being changed, mirroring the new demands that Portuguese society is placing upon it. The ability to overcome new challenges cannot be dissociated from the need for careful consideration of the issues currently at stake, such as an effective integration of the environmental dimension into the planning system, the relationship between strategic and physical planning, or the coordination of the different tiers of planning intervention, from central to local level.

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B. Making and reviewing plans and policies

Overview

B1. The core of the Portuguese spatial planning system lies at the *MPAT* (Ministry of Planning and Territorial Administration). (*MPAT* was restructured in 1996 to become *MEPAT* — see annex.) The *SEALOT* (Secretary of State for Local Administration and Physical Planning), a major central department within the *MPAT*, provides political and technical support for the preparation of relevant legislation and policy guidelines. The *DGOT* (Directorate General for Physical Planning) (from 1996 the *DGOTDU* — see below) provides technical and administrative support to the implementation of the Portuguese Planning System and has an active role in monitoring and coordinating the process of plan preparation and approval.

B2. The *MPAT* itself is responsible for the preparation of the *PROTs* (regional physical plans) through the *CCRs* (regional coordination commissions). These are decentralised departments of the *MPAT*. The *PROT* defines, at regional or sub-regional level, global principles for land-use policies, general criteria for the spatial organisation of activities and broad macro zoning.

B3. Nevertheless, the actual responsibility for preparing the vast majority of the statutory plans lies outside the *MPAT*. Such responsibility is vested upon the local authorities at the level of the *Câmaras Municipais* (municipalities). More recently, and reflecting growing concern with the environment, the *MARN* (Ministry of the Environment and Natural Resources) (from 1996 this became the Ministry of Environment (ME)) also has responsibility for preparing plans in areas of special ecological sensitivity like protected areas and

the coastal zone. Such tasks are undertaken by some of its central departments, e.g. the *ICN* (Institute for Nature Conservation) and the *INAG* (Water Institute).

B4. At the local level, local authorities can prepare a variety of municipal land-use plans. These are legally binding administrative regulations which support development control through the licensing system. The *Plano Director Municipal (PDM)* (municipal director plan) covers the whole territory of the municipality and, to become effective, has to be ratified by central government when there is an effective *PDM*. The *Planos de Urbanização (PU)* (urban plans) and the *Planos de Pormenor (PPs)* (detailed plans) must conform with the *PDM* and do not require ratification by central government. A further mechanism of plan preparation at local level exists based upon the *Lei dos Loteamentos* (land subdivision Law). Although this legislation is often regarded as part of the licensing system rather than statutory plan preparation, it does in fact require private initiative to prepare what can be considered as the equivalent of a land-use plan for specific urban development projects.

B5. Growing concern for the environment is reflected in the increasing relevance of the *Ministério do Ambiente e dos Recursos Naturais (MARN)* (central government department responsible for the environment and natural resources policy) to the operation of the planning system. This is expressed in several ways. A fundamental mechanism of influence in plan preparation is the geographical defined *REN* (National Ecological Reserve). These must be taken into account when preparing all the land-use plans. The management of change within the *REN* is the responsibility of the *MARN*, though in close cooperation

with other State departments. Finally, the *MARN* has a major role to play in the *Avaliação do Impacte Ambiental (AIA)* (environmental impact assessment) procedures by coordinating the licensing system whenever development project makes such procedures necessary (see Section C).

B6. The *MA* (Ministry of Agriculture) also plays a significant role in the operation of the spatial planning system. The most important contribution derives from its responsibility in defining the *RAN* (National Agricultural Reserve). The basic aim of the *RAN* is to protect soils with highest suitability for farming purposes. The *Instituto das Estruturas Agrárias e Desenvolvimento Rural (IEADR)* (Institute for Agrarian Structures and Rural Development), a major central department of the Ministry of Agriculture, provides the technical and administrative support in the definition and management of the *RAN*, which is in fact done in close cooperation with other State departments. The Ministry of Agriculture is also responsible for the definition of the forestry 'perimeters', which aims to protect forest resources. The *Instituto Florestal (IF)* (Forestry Institute), a department within the *MA*, provides the technical and administrative support for such a task. The *RAN* is a mandatory consideration for all types of land-use plans.

B7. There are also other institutions and pieces of sectoral legislation which have a role to play in the operation of the planning system. The existence of a listed building, for instance, requires the intervention of the *Instituto Português do Património Arqueológico e Arquitectónico (IP-PAR)* (Portuguese Institute for the Architectural and Archaeological Heritage) and specific legislation related to the protection of listed buildings. Similarly, consideration must be given to the various 'restrictions of use' of land in areas close to some infrastructure or other public equipment (e.g. schools, hospitals) in the preparation of municipal land-use plans. Furthermore, other State departments play a role in specific circumstances, either because of their own programme of activities (e.g. the *DGDR* — Directorate General for Regional Development, and the *MOPTC* — Ministry of Public Works, Transport and Communications (from 1996 *MEPAT*)) or because of their role in the licensing of activities (e.g. Ministries of Industry and Energy and of Commerce and Tourism). Most of these agencies which have an influence on the planning system, although not being central to its operation, will be dealt with in Section D.

Policy institutions

National government

B8. There are a number of national government ministries, and specific departments within the ministries, that have particular importance for spatial planning. This section deals with the most important ones, *Ministério do Planeamento e da Administração do Território (MPAT)* and *Ministério do Ambiente e Recursos Naturais (MARN)*, with the associated department of the *DGOT, DGA* and *ICN*, as well as the *IEADR* and *IF*.

Ministério do Planeamento e da Administração do Território (MPAT) (from 1996 *MEPAT*) (Ministry of Planning and Territorial Administration) (see Figure 3)

B9. The central government department directly responsible for the administration of the planning system is the Ministry of Planning and Territorial Administration (*MPAT*), headed by the respective Minister. It is the policy making structure for planning and participates in the process of approval and ratification of land-use plans.

B10. The Ministry has four main areas of intervention, the coordination of regional development (the responsibility of a Secretary of State for Regional Planning and Development), the relationships between central and local government, and land-use planning (both functions of the Secretary of State for Local Administration and Physical Planning) and science and technological development (the responsibility of a Secretary of State for Science and Technology).

B11. As far as physical planning is concerned, the *MPAT*:

- constitutes the political decision centre which establishes overall planning policy guidelines and produces the regulatory and legislative framework;
- is responsible for the preparation and final approval of *Planos Regionais de Ordenamento do Território* (regional physical plans) through the *Comissões de Coordenação Regional* (regional coordination commissions);
- participates, together with other ministries, in the approval process of the *Reserva Ecológica Nacional* (National Ecological Reserve) and of physical plans for protected areas and for coastal zones;

- oversees the preparation and ratification of *Planos Directores Municipais* (Municipal Director Plans). When municipalities have no ratified master plan, the *MPAT* participates in the approval of lower level plans and other policy instruments of the planning system;
- participates in special commissions set up to supervise the spatial delimitation and management of the *RAN* (National Agricultural Reserve) and the *REN* (National Ecological Reserve);
- has compulsory purchase powers and can

enforce demolition orders whenever development is not in line with approved plans;

- exercises the right of appeal in relation to controversial or contested decisions made by lower-level departments within the Ministry (e.g. *DGOT* — Directorate-General for Physical Planning, *CCR* — regional coordination commissions).

B12. The scope of the liaison with the municipalities embraces a number of perspectives, namely:

Figure 2: Organisation of government

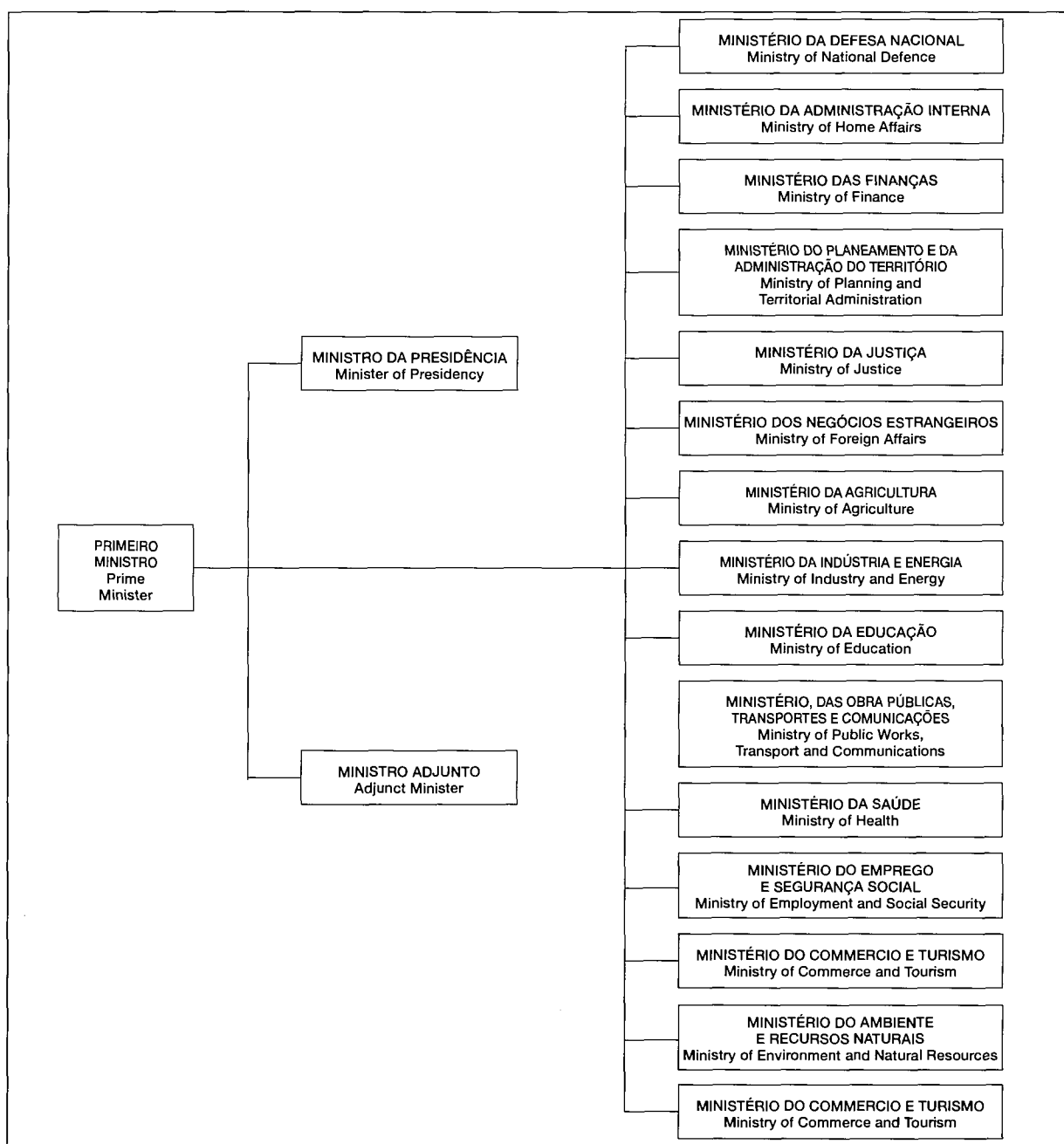
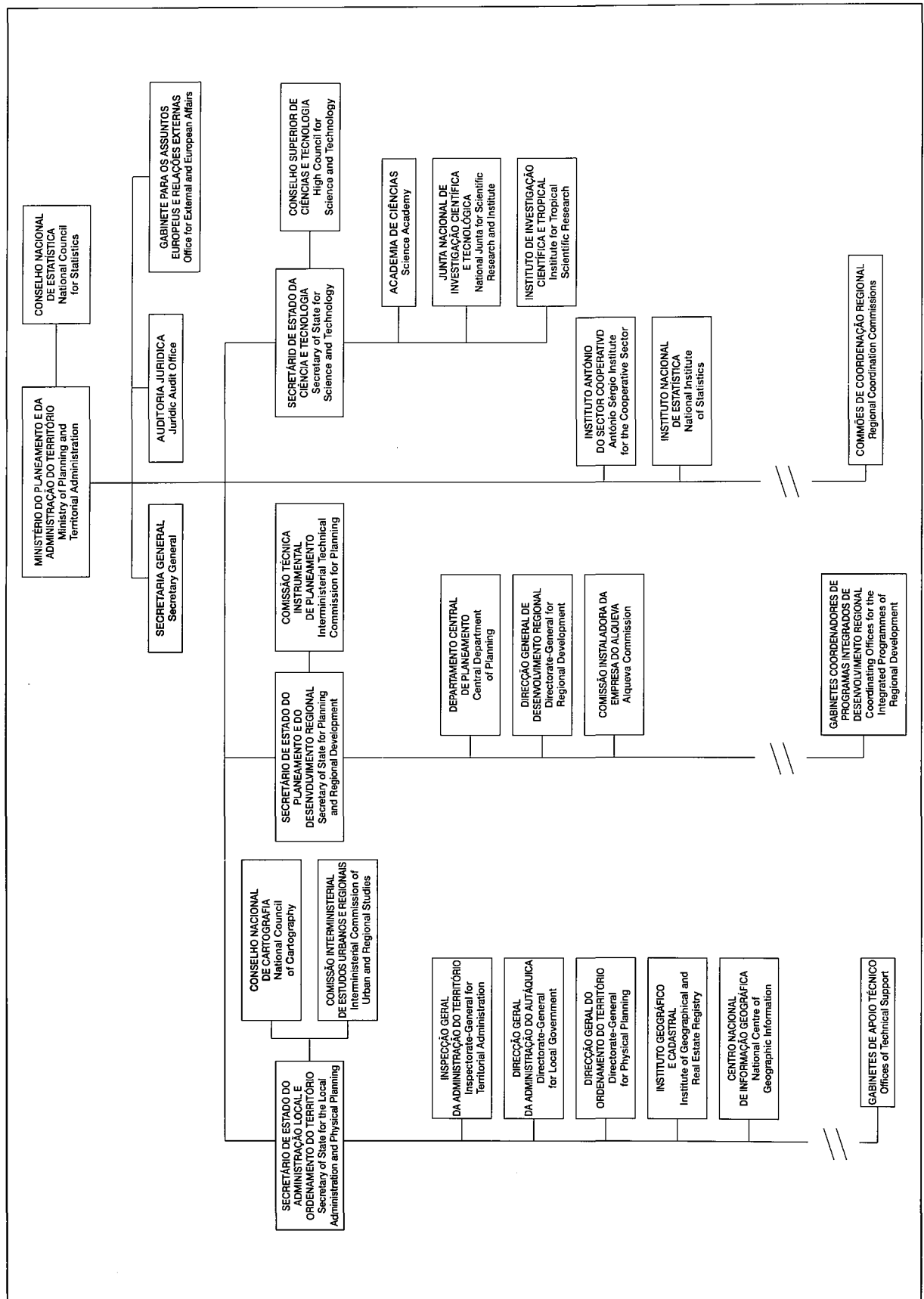


Figure 3: Ministério do Planeamento e da Administração do Território (Ministry of Planning and Territorial Administration)



- the *MPAT* participates in the ratification process of the *Plano Director Municipal (PDM)* (Municipal Director Plan). The ratification is intended to ensure that municipal plans are coherent with 'higher order' plans, investment programmes and policies, and represents important cooperation and negotiation processes between central and local government. These processes take place throughout the preparation of the plan within the framework provided by the so-called 'Accompanying Commissions' (see Section A on Government structure and powers);
- The *MPAT* also accommodates the *Inspecção Geral de Administração do Território (IGAT)* (General Inspectorate of Territorial Administration) which has legal supervising responsibilities over all administrative decisions of local authorities, including those associated with plan implementation and development control.

B13. The *MPAT* is financed by the national budget.

B14. Under the 'umbrella' of the three Secretaries of State mentioned above, the *MPAT* accommodates other political and technical departments. The Directorate-General for Municipal Administration and the Directorate-General for Physical Planning are both headed by a Secretary of State for Local Administration and Physical Planning. This Secretary of State is also responsible for the Municipalities Inspectorate, the Geographic and Cadastral (Ordnance Survey) Institute and the National Centre for Geographic Information.

B15. The Secretary of State for Regional Planning and Development accommodates the Directorate-General for Regional Development, as well as the Central Department for Planning. The *MPAT* is also responsible for the National Institute of Statistics, the Institute for the Cooperative Sector and five regionally deconcentrated departments the *Comissões de Coordenação Regional (CCRs)* (regional coordination commissions).

B16. The *MPAT* coordinates the preparation of the *Plano de Desenvolvimento Regional (PDR)* (regional development plan) negotiated in Brussels in order to establish the Community support framework. Since Portugal is an Objective 1 region, this document plays an important structural role concerning the definition of State intervention and the establishment of an adequate rela-

tionship between local, national and European Union development policies.

Direcção Geral do Ordenamento do Território (DGOT) (Directorate-General for Physical Planning) (from 1996 this is the *Direcção Geral do Ordenamento do Território e Desenvolvimento Urbano*)

B17. The *DGOT* (Directorate-General for Physical Planning) is a major central department within the *MPAT* providing technical and administrative support in the field of physical planning. The *DGOT* is responsible for accompanying the preparation of statutory municipal plans. It establishes general criteria for the (spatial) distribution of public services and equipment of a social nature and provides support for the programming and implementation of such projects.

B18. The *DGOT* provides overall support to the formulation of physical planning policy and to the coordination of sectoral projects or programmes which have spatial impacts. In particular, the *DGOT* deals with the:

- preparation of studies aimed at developing a strategic perspective relating to the national pattern of physical and urban development;
- promotion and technical control over the preparation of land-use plans;
- establishment of planning guidelines and support to the municipal provision of public social equipment;
- participation in the preparation of urban rehabilitation studies and programmes;
- liaison and cooperation in physical planning issues with other national, international or foreign institutions.

B19. The *DGOT* works in close cooperation with the *CCRs* (regional coordination commissions) and the local authorities, and coordinates its action with the relevant Government departments or organisations responsible for the (sectoral) management of public social equipment (e.g. education, health, transport).

B20. The *DGOT* is financed by the national budget. It also has the possibility of directly raising resources by selling publications or statistical information, and through programmes of cooperation with other institutions, etc.

B21. The *DGOT* (from 1996 the *DGOTDU*) is headed by a Director-General who chairs a Consultative Council. The Consultative Council includes representatives from the 12 sectoral areas of central government (e.g. Defence, Agriculture, Industry, Education, Health) plus three representatives from the *Associação Nacional de Municípios Portugueses (ANMP)* (National Association of Portuguese Municipalities). The organisational structure of the *DGOT* includes several technical departments, inter alia the Department of Studies and Strategic Planning, the Department for the Management of Physical Planning Programmes and Projects, and the Department for Financial Programming and Management (see diagram/Figure 5).

Ministério do Ambiente e Recursos Naturais (MARN) (Ministry of the Environment and Natural Resources) (from 1996 this is the *Ministério do Ambiente (MA)* (Ministry of the Environment))

B22. The *MARN* is a central government department responsible for policy on the environment and natural resources policy. The main policy fields include the management of environmental quality, the protection and enhancement of natural resources and the supervision of consumer rights.

B23. With regard to physical planning, the *MARN* has specific responsibilities in:

- the geographical definition of the *REN* (National Ecological Reserve), in consultation with other Government departments;
- the approval of plans for special protected areas including the coastal zone;
- the creation, delimitation and management, through the National Institute of Nature Conservation, of statutory protected areas of national interest;
- participation in the management of the *Domínio Público Hídrico* (water in the public domain — strip of public land to protect and gain access to water resources such as rivers, lakes or coastlines);
- the management of both the *REN* (National Ecological Reserve) and the *RAN* (National Agricultural Reserve), participating in their respective management councils;

- procedural management and approval of projects requiring Environmental Impact Assessment studies, including public participation and impact monitoring.

B24. An important part of the functions and responsibilities allocated to the *MARN* are shared, or require cooperation, with other government departments. Important linkages exist with the *MPAT* (e.g. the definition of the *REN* (National Ecological Reserve) or the approval of the plans for protected areas), the *Ministério da Agricultura* (Ministry of Agriculture) (e.g. the definition of the *RAN* (National Agricultural Reserve)) and the Ministry of the Sea (e.g. the preparation and final approval of physical plans for the coastal zone).

B25. The *MARN* also works in close cooperation with the municipalities in a number of fields. Municipalities located with or within protected areas are represented on the management and consultative boards of these areas and participate in the preparation of their plans. Also, the *MARN* is involved in the preparation of local authorities' *PDM* (Municipal Director Plan) through *Direcções Regionais do Ambiente e Recursos Naturais (DRARNs)* (Regional Directorates for the Environment and Natural Resources), which are represented on the *Comissões de Acompanhamento* (accompanying commissions).

B26. When a development project requires an *AIA* (environmental impact assessment) to be conducted, *MARN* has the responsibility of coordinating the assessment procedures. The *MARN*'s final decision based on the *AIA* is not binding within the overall licensing process, although not taking full account of the findings will require a presentation by the sectoral licensing authority of a reasoned justification, and the setting up of a special monitoring system under the overall responsibility of the *MARN*.

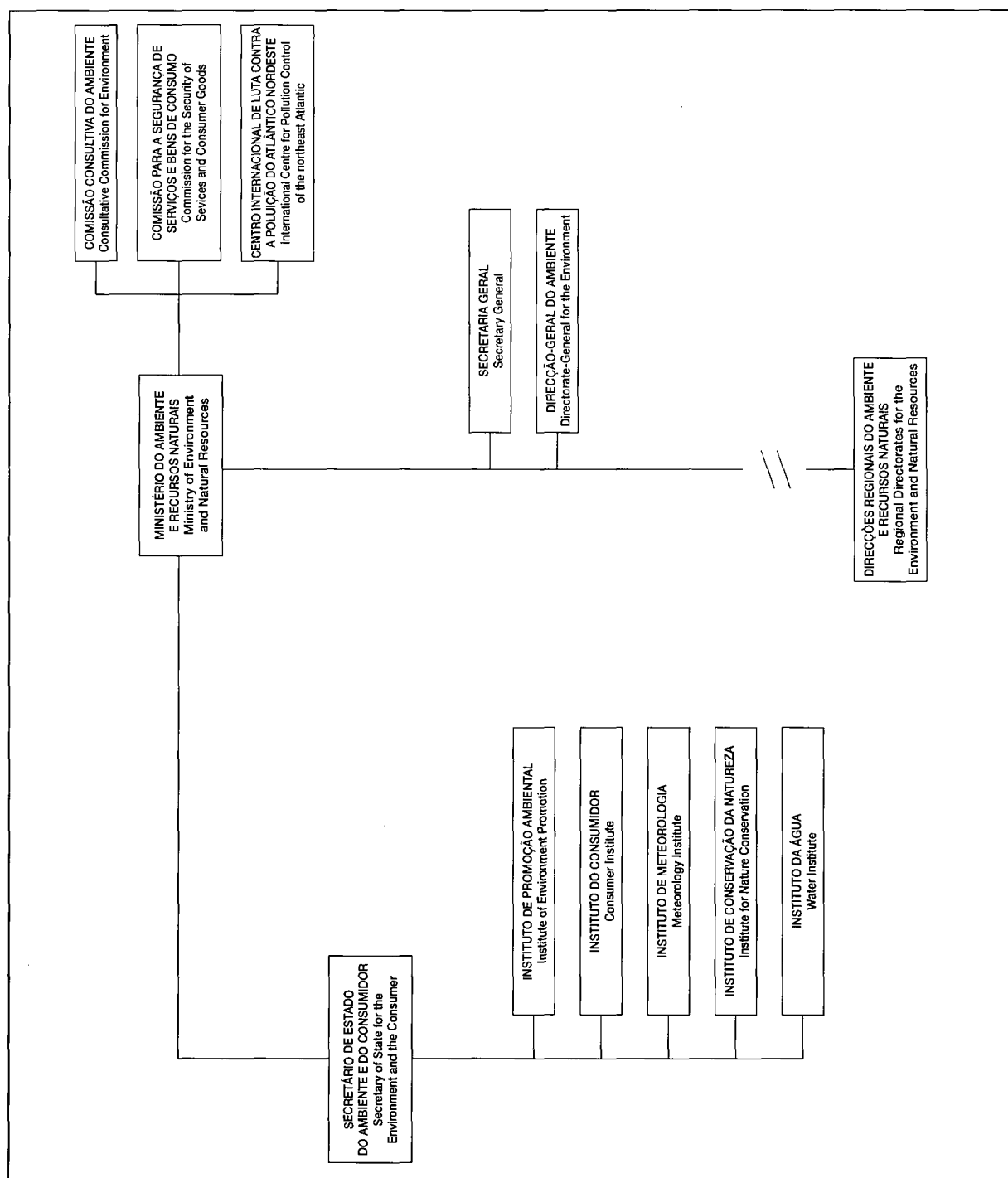
B27. The *MARN* is financed by the national budget.

B28. *MARN* is a political and policy making structure. The Secretary of State for the Environment and the Consumer provides political and technical support while a number of Institutes and the *DGA* (Directorate-General for the Environment) provide technical and administrative assistance (see Figure 4). There are regionally deconcentrated departments, the *DRARNs* (Regional Directorates for the Environment and Natural Resources), which are directly accountable

to the Secretary of State. Some specific responsibilities are concentrated in particular Institutes, for example the *INAG* (Water Institute), the *ICN* (Institute for Nature Conservation), the Institute for Environmental Promotion, the Consumer In-

stitute and the Meteorology Institute. There is also a Consultative Commission for the Environment and a Committee on Safety of Consumer Goods and Services, which are advisory bodies to the Environment Minister.

Figure 4: Ministério do Ambiente e Recursos Naturais (Ministry of Environment and Natural Resources)



B29. The *MARN* has other responsibilities with indirect implications for land-use policy, namely pollution control, water supply systems, waste disposal and treatment plants.

Direcção Geral do Ambiente (DGA)
(Directorate General for the Environment)

B30. The *DGA* (Directorate General for the Environment) is a major department within the *MARN*. The *DGA* provides technical support and promotes the preparation and definition of policies for the environment, natural resources and consumer rights. The *DGA* is also responsible for the definition of the national policy for urban waste disposal and treatment and coordinates the national system for environmental information. It provides support to *MARN*'s function of coordination of all *AIA* (environmental impact assessment) procedures. It also coordinates the programmes of activities and projects of several institutes within the *MARN*, predominantly the *ICN* (Nature Conservation Institute).

B31. More directly related to the planning system, the *DGA* plays a major role in the licensing of the applications requiring the submission of an environmental impact assessment statement. The *DGA* coordinates the procedures regarding the *AIA* and is also responsible for preparing methodological guidance for the elaboration of *AIA* study. The *DGA* also participates in the licensing of industrial projects.

B32. The *DGA* is financed by the national budget.

Instituto da Conservação da Natureza (ICN)
(Institute for Nature Conservation)

B33. The *ICN* (Institute for Nature Conservation) is an institution with administrative and financial autonomy operating under the umbrella of the *MARN*. As far as planning is concerned, the *ICN* is responsible for the management and the preparation of plans for statutory protected areas such as *Reservas Naturais* (Nature Reserves), *Parques Nacionais* (National Parks) or *Áreas de Paisagem Protegida* (areas of protected landscape). In addition, the *ICN* plays a major role in the protection of flora and fauna and, in particular, of rare or endangered species.

B34. The *ICN* provides technical support to the work carried out by the Commission of the Na-

tional Ecological Reserve and enforces related legislation and regulations. The *ICN* also supports municipalities in the field of nature conservation and landscape enhancement. It is further responsible for carrying out studies on the coastal zone and participates in *AIA* procedures when nature conservation issues are particularly relevant in project appraisal.

B35. The *ICN* is partially funded by the national budget. The Institute raises its own funds through services provided and/or resources made available in protected areas managed by the Institute.

Instituto de Estruturas Agrárias e Desenvolvimento Rural (IEADR) (Institute for Agrarian Structures and Rural Development)
(from 1996 the Ministerio da Agricultura)

B36. The *IEADR* is a department of the Ministry of Agriculture which provides the technical and administrative support to the geographical definition and management of the *RAN* (National Agricultural Reserve). It is also responsible for the elaboration of soil capacity maps which underpin the definition of the *RAN*.

B37. The *IEADR* contributes, within the Ministry of Agriculture, to the preparation and definition of agricultural policy including rural development, land structure, agricultural infrastructures, etc.

B38. The most important functions in relation to physical planning include:

- the participation in the *Comissão de Acompanhamento* (accompanying commission) established for the preparation of *PROTs* (regional physical plans) and *PDMs* (municipal land-use plans);
- the promotion of the elaboration of soil-assessment maps defining 'quality' grades for agricultural and forestry purposes (the emphasis being put on pedological considerations);
- the coordination, at both regional and national level, of actions related with the *RAN* (National Agricultural Reserve);
- the promotion and coordination of environmental impact studies related to agricultural and rural development projects.

B39. *IEADR* is associated with the regional Directorates for Agriculture, the latter being region-

ally deconcentrated departments of the Ministry of Agriculture. There is also a close working relationship with departments from the *MARN* (Ministry of Environment and Natural Resources) when environmental impact studies of agricultural projects are being considered, predominantly those involving irrigation infrastructures.

B40. IEADR is mainly financed by the national budget, though it can raise funds through the provision of services and revenue from agricultural projects.

B41. IEADR is chaired by a President and, among the administrative and technical services it provides, it has specific Services Directorates concentrating on information and statistics, studies and planning, structural policy, rural infrastructures and equipment, animal production and rural development. There is also a Consultation Council in which all the Regional Agricultural Directorates are represented.

B42. IEADR participates in the preparation of the *PROT* (Regional Development Plan). It also has responsibilities in the process of land consolidation for agricultural purposes and promotes some initiatives (like support to some rural areas threatened by significant demographic decline) which will have a bearing on settlement patterns.

Instituto Florestal (IF) (National Forestry Institute)

B43. The IF is a central department within the Ministry of Agriculture. Its main responsibility is to provide support to the Ministry of Agriculture in the design and implementation of forestry policy. The process of policy implementation involves a wide range of activities, including carrying out investment projects, planning, provision of infrastructures and specific actions to support the transformation and commercialisation of forest products. It also involves the geographical definition of *Áreas Florestais* (forestry areas) which impose conditions for land-use change within the respective *Perímetros Florestais* (forestry perimeters).

B44. With regard to physical planning, the IF:

- participates in the geographical definition of forestry areas and perimeters;
- participates in the *Comissão de Acompanhamento* (accompanying commission) for the preparation of Municipal Director Plans;

- defines the criteria for assessing planning applications for forestry projects;
- is responsible for the information and preparation of environmental impact studies in relation to forestry investment projects, particularly those concerning rapidly growing forest species;
- participates in the *Comissão de Acompanhamento* (accompanying commission) for the design and implementation of municipal plans for forestry preservation, which aim to prevent forest fires and were recently legislated.

B45. Apart from its involvement in the planning of public forestry and in the licensing procedures for private forestry projects, the IF is in direct contact with the forestry companies either imposing conditions on their activity (e.g. restricting tree felling of some species) or providing them with technical support in their investment projects.

B46. The IF is mainly financed by the national budget but can raise its own funds through services provided to forestry companies and revenues derived from the exploitation of public forestry estates.

B47. The IF has a Directive Council nominated by the Prime Minister and the Agricultural Minister, and a consultation Forestry Council where both private interests and public bodies are represented.

B48. In addition to the administrative and technical services, the IF has several services directorates, concerned with forestry protection and preservation, private forestry support and shooting, fishing, apiculture and other forest resources. The *IF* has regionally deconcentrated departments and also a sub-regional tier of local delegations.

Instituto Português do Património Arquitectónico e Arqueológico (IPPAR) (Portuguese Institute for the Architectural and Archaeological Heritage)

B49. The IPPAR is a department within the Secretary of State for Culture (which does not have a Ministry in the current government structure). Its main objective is to preserve and enhance the built heritage which, for historical, architectural or archaeological value, is considered to be of national interest. The *IPPAR* par-

ticipates in the classification of the buildings and in the design of the conditions to be imposed to activities and projects in the vicinity of 'listed' heritage.

B50. With regard to physical planning, the IPPAR:

- is responsible for the elaboration of an inventory for the classification or de-classification of heritage buildings and for the definition of *Áreas de Protecção Especial* (special protection zones) around listed heritage. In these zones there are specific conditions to the development of activities and land-use change;
- provides advice on plans, projects and works to be carried out in areas of relevance to the IPPAR;
- provides advice on the compulsory purchase of heritage buildings considered as threatened by deterioration or in inadequate use;
- proposes the stoppage of building works which do not respect the legislation concerning the cultural heritage.

B51. There is increasing cooperation between the IPPAR and the municipalities in the definition of licensing criteria to be established in the protection zone of listed heritage.

B52. The IPPAR is mainly financed by the national budget. In addition, funds can be raised through donations or cofinancing from other institutions, the selling of publications, and the economic returns resulting from the use of heritage managed by the IPPAR.

B53. The IPPAR has both management and consultative councils. The latter includes representatives from other governmental departments as well as individuals with recognised professional or scientific expertise in this field.

B54. In addition to administrative and legal services, IPPAR has other technical departments concerned with promotion and enhancement, projects and building works, and archaeology. There are some regional deconcentrated services in Oporto, Coimbra, Lisbon, Évora and Faro.

Regional government departments

Comissões de Coordenação Regional (CCRs) (Regional Coordination Commissions)

B55. These are regionally deconcentrated services of the MPAT, and provide the major link between local and central administrations. They are also responsible for the preparation of PROTs (regional physical plans).

B56. The main objectives of the CCRs are the coordination of development interventions at regional level and the provision of technical and administrative support to the local authorities. Within the CCRs there are a number of Services Directorates, including that of physical planning, whose functions mirror, at regional level, those of the DGOT.

B57. As far as physical planning is concerned, the CCRs are responsible for:

- the preparation of PROTs (regional physical plans);
- overseeing the preparation of municipal plans and other planning instruments. They chair the *Comissões de Acompanhamento* (accompanying commissions) and promote their constitution. They also provide central government with advice on urban and detailed plans requiring ratification;
- participating in the regional commissions of the RAN (National Agricultural Reserve);
- providing binding advice in relation to planning permissions and land subdivision schemes when there is no effective plan. They also provide binding advice for specific development projects, such as major shopping malls, etc.

B58. The relationships with the local authorities are established through several mechanisms:

- participation in the *Comissões de Acompanhamento* (accompanying commissions), which play a major role in the preparation of the municipal plans. Similarly, the PROTs (regional physical plans) prepared by the CCRs establish guidelines and land-use patterns with which municipal plans have to conform;
- technical and administrative support is provided by the CCRs to municipalities through the *Gabinetes de Apoio Técnico (GAT)* (technical support offices);

- participation of the municipalities and/or their associations representatives in the administrative boards of the CCRs.

B59. The CCRs are funded by the national budget but they can also raise funds, through municipalities' cofinancing of the GATs and fees paid for specific technical services that may be provided by the CCRs.

B60. The CCRs have a President, a Regional Council (where the municipalities are represented), a Coordinating Council and an Administrative Council. They include several Services Directorates, including Regional Planning and Development, Municipal Administration and Physical Planning. Their organisational structure was established by Law Decree 260/89.

B61. The CCRs promote and carry out studies and projects for regional development. They also participate in the preparation of the PDR (regional development plan) submitted in Brussels and in the management, at regional level, of the Community Support Framework.

Direcções Regionais de Ambiente e Recursos Naturais (DRARNs) (regional directorates for the environment and natural resources)

B62. The DRARNs are regionally deconcentrated services within the MARN. There are five DRARNs whose geographical area of operation coincides with that of the five CCRs. They have the responsibility of defining and managing the REN (National Ecological Reserve), and play an important role in the licensing process of a number of applications such as those concerning all manufacturing activities or those located in the public water domain.

B63. The objectives of the DRARNs are:

- the promotion, at regional level, of the national policy for the environment, natural resources and consumer rights;
- the achievement of effective coordination between environmental and sectoral policies;
- the establishment of closer working relationships with the municipalities;
- the production and gathering of information for monitoring and assessment of environmental policy results.

B64. In relation to physical planning, the DRARNs:

- elaborate the proposals for the geographical definition of the REN (National Ecological Reserve);
- participate in the preparation of PDMs (municipal director plans) as members of the *Comissões de Acompanhamento* (accompanying commissions), and participate in the preparation of coastal zone plans and other planning documents whenever appropriate;
- participate in the regional commissions in charge of the RAN (National Agricultural Reserve);
- can assume the management of protected areas of national interest, under a specific agreement with the Nature Conservation Institute;
- provide advice on the licensing process of activities located in the public water domain or which may have potentially significant environmental implications (like those related with manufacturing production).

B65. The DRARNs operate in close cooperation with other departments within the MARN, and also have a direct relationship with the municipalities and the DROT.

B66. The DRARNs are financed by the national budget supplemented with funds raised by payments for services.

B67. The DRARNs are chaired by a 'Regional Director'. They have administrative and technical services including Service Directorates for:

- water;
- air, noise and waste;
- nature and environmental education;
- consumers.

Regional government organisations

Governos Regionais (Regional Governments)

B68. The archipelagos of Azores and Madeira are, according to the Portuguese Constitution (Articles 227 to 236), autonomous regions. As such, they have their own parliament, directly elected every four years, and regional govern-

ments which are accountable to the respective regional parliaments. The Constitution allocates the autonomous regions a wide range of powers. They can prepare and approve legislation on matters of specific interest for the regions, adapt and regulate nation-wide legislation and submit legislative proposals to the national parliament.

B69. The autonomous regions of Azores and Madeira also have powers in relation to local administration. They can create municipalities or change existing municipal boundaries and they define the criteria for allocating the financial support provided by central government among municipalities. Municipalities in these autonomous regions are accountable to the regional administration.

B70. As far as spatial planning is concerned, the regional governments define the policy and directives to be followed in the regions. They are responsible for preparing the *PROT* (regional physical plans) and for participating in *Comissões de Acompanhamento* (accompanying commissions) for the preparation of the municipal plans. When there is no effective municipal plan, they have to be consulted in the process of granting planning permissions. Regional governments also participate in cooperation with the municipalities in programmes and projects of urban rehabilitation. National legislation related to physical planning is adapted by the regions which may introduce specific clauses to take account of local conditions and institutions. That is the case, for instance, of Law Decree 69/90, on the municipal land-use plans, which is adapted to the Azores by the regional Legislative Decree 5/91/A, of 8 March and to Madeira by the Regional Legislative Decree 19/90/M, of 23 July.

B71. The two regional governments have different organisational structures. Responsibility for physical planning is allocated to the regional Secretary of State for the Environment and Social Equipment in Madeira, while in the Azores these functions lie within the scope of the Regional Secretary of State for Housing, Transport and Communications.

B72. The Autonomous Regions have their own regional budgets. These comprise contributions through financial transfers from central government as well as revenue derived from the regional taxes.

Government agencies

B73. There are no government agencies with a significant impact on spatial planning.

Local government organisations

Câmaras Municipais (CMs) (municipalities or local authorities)

B74. The municipalities have an elected local government. Elections take place every four years. They are responsible for land-use change in their territory mainly through the preparation of municipal land-use plans and through development control (the licensing system).

B75. There are 305 municipalities in Portugal. There is considerable variation both in terms of population and geographical size. Some have less than 3 000 inhabitants whilst the largest, in demographic terms, has more than 650 000 inhabitants (data provided by the 1991 population census).

B76. According to current legislation, these local authorities are concerned with all the issues which relate to the interests of the local (municipal) population. The legislation specifies issues such as (a) the administration of municipal property, (b) development, (c) water supply, (d) sewerage system and public health in general, (e) health care, (f) education, (g) protection to childhood and elderly, (h) leisure, sports and culture, environment and quality of life and (j) civil protection.

B77. This wide range of competences is further regulated by the regime of cooperation and delimitation of central and local government actions in terms of public investment. This regime defines areas of exclusive competence of local authorities and areas where competences can be exercised under cooperative agreements between central and local governments.

B78. In physical planning, the municipalities:

- prepare and approve the municipal land use plans: *Plano Director Municipal* (Municipal Director Plan); *Plano de Urbanização* (urban development plan); and *Plano de Pormenor* (detailed local plan). They also define the *Áreas de Desenvolvimento Urbano Prioritário* (ADUPs) (priority areas for urban development) and the *Áreas de Construção Prioritária* (ACPs) (priority areas for building construction).

- participate in *Comissões de Acompanhamento* (accompanying commissions) for the preparation of the *PROTs* (Regional Physical Plans) and the Plans for the Coastal Zone. They have the right to be heard in the geographic definition of protected areas and to participate in their management;
- exercise development control;
- monitor land-use change in the framework of the planning system.

B79. The municipalities are administratively dependent upon the *MPAT*. In some extreme circumstances, the mayor can be compulsorily dismissed, following a judicial decision.

B80. The *PDM* (Municipal Director Plan) must be ratified by central government and its preparation is accompanied by a specific commission. Several State departments whose activities are related with the municipal territory are represented in that commission while other departments will produce a statement of agreement (or disagreement) with the plan before its approval at local level. The municipal plans have to take into consideration a wide range of specific (and often geographically confined) restrictions to land use change as well as the guidelines established by the *PROTs* (regional physical plans) whenever they exist.

B81. Equally, the municipalities participate in *Comissões de Acompanhamento* (accompanying commissions) and in the preparation of other plans which affect their territory.

B82. The municipalities are, in general, responsible for the development control process. In some circumstances there is specific legislation requiring confirmation and/or approval of parts of this process by other governmental departments. In the absence of an approved and effective municipal plan, development control decisions made by local authorities are subject to confirmation by governmental departments.

B83. Municipalities are empowered to set up associations with other municipalities in order to carry out activities or provide services of common interest (e.g. water supply; waste disposal and treatment). The municipalities are represented at the Regional Council in the *CCRs* (regional coordinating commissions). There is also an *Associação Nacional de Municípios Portugueses (ANMP)* (National Association of Portuguese Municipalities) through which municipalities have a voice in the process of legislative production.

B84. The Local Finances Law establishes a funding mechanism for local authorities including:

- specific local taxes; local rates can be fixed within limits set by law on property income, vehicles, fire services, tourism and property transactions;
- possibility to launch a *derrama* (supplementary tax) on the profits of local enterprises;
- a share of the *Fundo de Equilíbrio Financeiro (FEF)* (Financial Equilibrium Fund), which derives from the national budget and is allocated to each municipality according to a set of criteria established by law. The criteria include the number of inhabitants, the geographical size of the municipality, the extent of the road network, the number of parishes and a compounded indicator of socioeconomic development;
- the product of various types of licences (hunting, advertising, occupation of public land, etc.), parking, fines, and the use of municipal property. Municipalities may also tax the building of urban infrastructures and the granting of planning permission;
- municipalities may also resort to short-term loans to meet cash problems and medium and long-term loans for capital expenditure. There are also special types of funds set up by central government from which local authorities can borrow funds at favourable conditions.

B85. The municipalities have an executive council chaired by the Mayor and an *Assembleia Municipal* (Municipal Assembly). Both bodies are directly, but independently, elected every four years. The size of both the executive and the assembly varies with population size and number of parishes. Municipalities may also have municipal services (dealing often with public transport and physical infrastructures, like water supply and sewerage systems).

B86. The competence of the assembly is fairly broad: it supervises the activities of the executive council and the municipal services; approves the organisational structure of the local authority after a proposal from the executive; approves loans; authorises association with other municipalities or public entities; advises on planning matters, etc. The assembly normally meets five times a year.

B87. The executive council is made up of a mayor and a varied number of members, *vereadores* (councillors). They are elected under a system of proportional representation. The executive is responsible for the day-to-day running of local authority affairs as well as preparing annual programmes of activities, a budget and financial report, which are submitted to the Municipal Assembly. Individually, council members may be delegated specific tasks falling within the competence of the council or of the mayor.

Other organisations

B88. There are a number of other organisations which have significance for spatial planning. Some of the most important include:

Associação Nacional de Municípios Portugueses (ANMP) (National Association of Portuguese Municipalities)

B89. The ANMP is a nation-wide association of Portuguese municipalities. It is, in essence, the institutional body representing municipalities in their interaction with central government.

B90. The ANMP is consulted by central government over the production of legislation which concerns matters of municipal interest including those relevant to land-use planning. It is represented in some of the Consultative Councils in different governmental departments. For instance, the ANMP is represented on the National Commission for the Ecological Reserve, Regional Commissions for the Agricultural Reserve, and the recently created Consultative Council of the DGOT (Directorate General for Physical Planning).

Policy instruments

National level

B91. There are several important national planning laws and policy instruments that shape spatial planning at the local level (see Figure 5).

Lei dos Solos (Land Law)

Law Decree 794/76, 5 November

B92. The Land Law establishes the basic principles and general guidelines of land policy, pro-

viding a framework for the intervention of central and local government in the process of urban development and rehabilitation.

B93. One fundamental principle established by the Land Law is the distinction between property rights (see B95) and development rights. In addition, the Land Law also assumes a key instrumental role in the regulation of urban development by creating and defining a set of policy instruments which may or not be used by central and local administrations. In situations where there is no approved and effective plan, the instrumental role of the Land Law is particularly important not only to guide land-use change but also to safeguard the conditions which will allow for the (future) adequacy of the plans being prepared for the area.

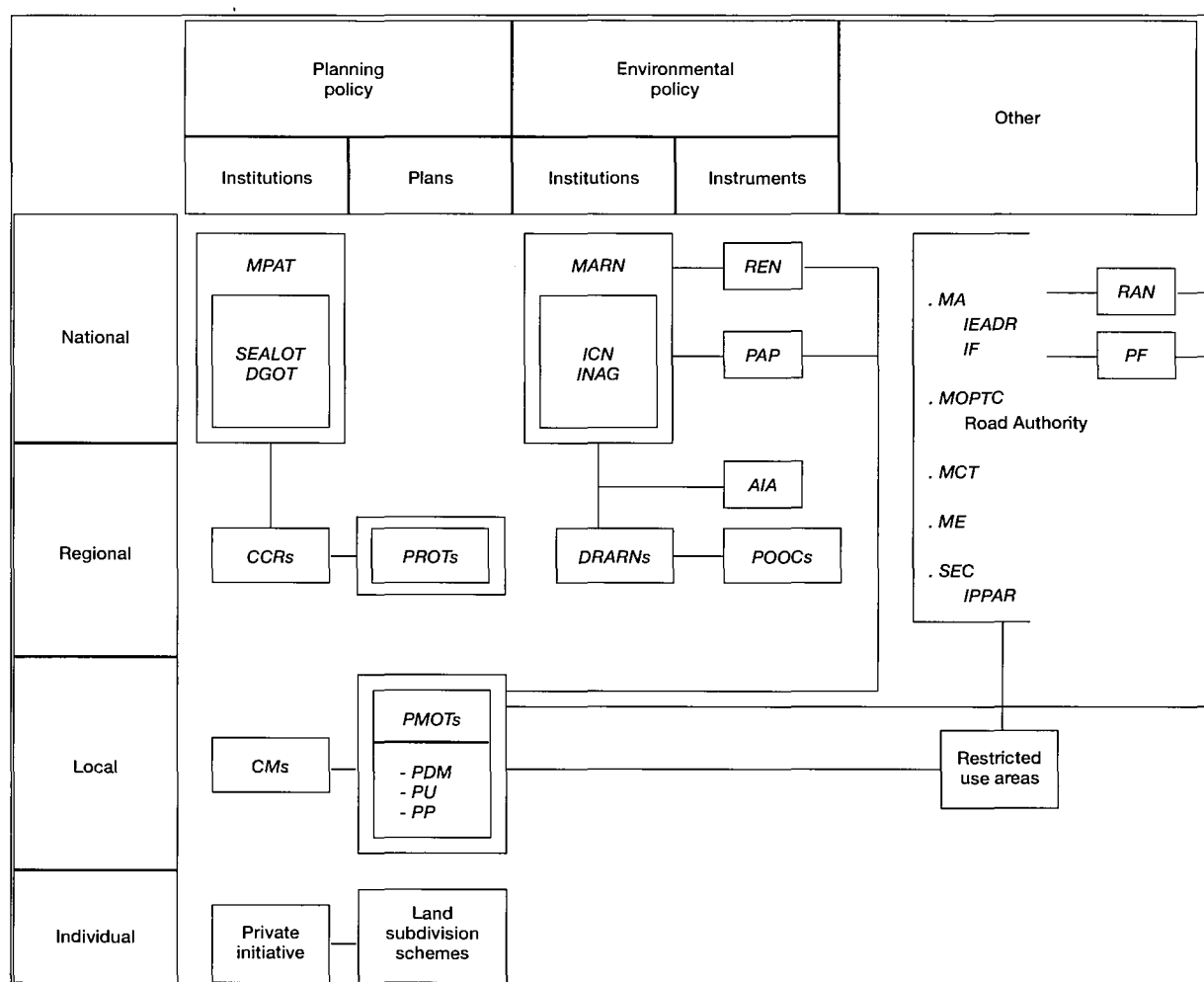
B94. The Land Law has a national relevance. It is effective until new legislation is enacted. Nevertheless, some of the policy instruments (e.g. preventive measures) can only be used within a limited period.

B95. The Land Law is intended to provide both central and local administrations with the necessary policy instruments to avoid land speculation and to contribute towards a 'rapid solution for the housing problem'. It is quite apparent, in the Land Law, the concern with the expansion, development and rehabilitation of urban settlements, particularly those of more significant size.

B96. The main themes around which the Land Law is organised are:

- the distinction between property and development rights, the latter being controlled by public administration (both local and central) through the licensing system. Property rights are corner stones of the Portuguese Constitutional system;
- the possibility of the public administration to acquire land under certain circumstances (further regulations are established through the *Código de Expropriações* (Code of Compulsory Purchase, Law Decree 438/91). The Law clearly defines the circumstances under which compulsory purchase can take place (for example in the creation of industrial zones, or the creation or improvement of public open space);
- the ways and conditions under which the public administration can transfer to the pri-

Figure 5: Schematic representation of the planning system



Notes:

PAP – Protected Area's Plan.

PF – Forestry Perimeters.

vate sector the 'right of use' of land owned by the administration. The transfer to private agents of public land under 'full ownership' is also regulated and occurs with a more restrictive set of circumstances;

- the responsibilities of the public administration resulting from compulsory purchase, namely in terms of the use of acquired land and of re-housing those families displaced by compulsory purchase schemes.

B97. The main policy instruments under the Land Law are:

- 'Preventive measures' (further regulated by Law Decree 69/90). This policy instrument allows for the public administration to establish

a set of provisional rules and conditions to guide land-use change while a plan is being prepared or in situations where there is an effective plan but, for any reason, is considered to be obsolete. These measures should only be used when the detrimental effects of possible land-use change (without the measures) is thought to be of greater significance than those deriving from the introduction of the preventive measures. They are valid for a period of two years, which can be prolonged for a further year, but are overridden whenever a plan becomes effective in the whole or part of their area of incidence.

- 'Provisional norms'. The 'preventive measures' can eventually be transformed in 'provisional norms' when the stage of preparation

of the plan is already well advanced and there is justified urgency in establishing and enforcing development guidelines. The 'provisional norms' constitute basically an anticipation of the period of effectiveness of a plan and are so required to go through a process of approval and ratification similar to that of a plan. They are valid for a maximum period of two years and are overridden as soon as a plan becomes effective in their area of incidence;

- zones of urban protection and control. This policy instrument enables the public administration to establish on the periphery of urban settlements, specific development control guidelines in order to safeguard the area from future urban expansion. It can also be used with similar objectives for industrial zones;
- the association with landowners to implement specific projects of urban development, rehabilitation or the creation of new settlements;
- the 'right of preference' of the public administration on the acquisition of buildings or land plots. This will occur whenever there is an ownership exchange between private agents over property located in areas suitable for urban development or rehabilitation, or to any initiative of public interest;
- the possibility to prevent demolition and restrict the type of (non-residential) use of buildings, in settlements over 25 000 inhabitants;
- the geographical definition of critical areas for urban rehabilitation and reconversion. This allows the public administration to implement rapidly a number of specific measures in order to intervene in areas with a given set of characteristics. These areas are supposed to be characterised by extreme situations of lack of urban infrastructures, social equipment, open and green spaces, or to show deficiencies on existing buildings in terms of security or salubrity. The measures that can be used are, inter alia, compulsory purchase, temporary occupation of private property, imposition of building work improvements or the demolition of buildings;
- several measures relate to the possibility of compulsory purchase over private property within a 50 metre strip alongside roads whenever they are created or significantly improved. It also lays down the conditions under which it is possible to impose the immediate

construction or reconstruction of buildings in the vicinity of new roads in order to comply with given criteria of aesthetics, street lining and salubrity;

- the setting up of a 'municipal fund for urban development'. These are allowed in municipalities with over 10 000 inhabitants, in order to gather resources to prepare studies, to implement projects and to carry out building works. The fund can be based on grants or loans provided by central government or the local authorities' own resources.

B98. The abovementioned policy instruments have seldom been used by the public administration. According to the Report on the State of the Environment and Territorial Planning (1992), produced by *MPAT* and *MARN*, between 1990 and 1992, only 12 preventive measures, five provisional norms and five critical areas for urban rehabilitation were adopted nationally.

B99. The law does not make any provision for a specific mechanism to monitor the use of these policy instruments.

Licenciamento Municipal de Obras Particulares (municipal licensing of private development)

Law Decree 445/91, 20 November

B100. This defines the way in which the local authorities authorise construction works and the use of buildings. It also establishes the situations in which the central administration is involved in the licensing process (Articles 48 to 50). This legislation will be analysed in detail in Section C of the Report.

Regulamento Geral das Edificações Urbanas (RGEU) (General Regulation for Urban Dwellings)

Law Decree 38382, 7 August 1951, and amendments

B101. The Law Decree 38382 defines technical standards for the construction of dwellings including conditions related to their location and layout vis-à-vis other neighbouring dwellings, public open space, etc. In this sense, it is often used for granting planning permission. If the norms established by the Law Decree are not being complied with, than planning permission cannot be granted.

B102. The Law Decree 38382 is applicable in urban areas as well as in areas for urban expansion or any other area that the local authority designates for that purpose.

B103. As a legislative document it remains valid until new legislation is enacted.

B104. The *RGEU* (general regulations for urban dwellings) aims to safeguard safety, salubrity and aesthetic conditions on urban dwellings. To that end, the *RGEU* establishes norms concerning the project, construction work and the process of preserving and repairing dwellings.

B105. A local authority is vested with the duty of surveillance to verify that the norms established by the *RGEU* are being followed. The local authority can apply fines, stop the construction work or even order demolition. In some circumstances, it can impose repair works or carry out building improvements on behalf of property owners.

Lei dos Loteamentos (Land Subdivision Law)

Law Decree 448/91, 29 December

B106. The Land Subdivision Law concerns private urban development initiatives. The law regulates the subdivision of private property in '*Loteamentos*' (smaller plots for building purposes). Two different types of permits will be required: the '*loteamento*' permit, which approves the way the property was subdivided and the '*urbanização*' (urban development) permit, which will allow for site infrastructuring. This legislation will be analysed in detail in Section C of the Report.

Reserva Agrícola Nacional (RAN) (National Agricultural Reserve)

Law Decree 196/89, 14 June

B107. The aim of the National Agricultural Reserve Law is to prevent the (urban) occupation of soils considered of high suitability for agriculture. It establishes conditions for the licensing of all non-agricultural activities in good agricultural land. The classification of soil suitability and, consequently, the geographical definition of the National Agricultural Reserve, is the responsibility of the Ministry of Agriculture. The definition of agricultural 'quality' is based upon technical criteria

established by the law and largely based on pedological considerations.

B108. The law has a national incidence and remains valid until new legislation is enacted. The administration of the licensing system within the *RAN* (National Agricultural Reserve) is administered at regional level by the Regional Commissions for the Agricultural Reserve. These commissions operate within the same boundaries of the Regional Agricultural Directorates. The latter are decentralised Departments of the Ministry of Agriculture. At national level, the *Comissão de Acompanhamento* (accompanying body) is the National Council for the Agricultural Reserve.

B109. The *RAN* imposes severe restrictions on the non-agricultural uses of good quality agricultural land. The law considers some exceptions like buildings for farming purposes, housing for farmers or farm owners, roads or other similar farm infrastructures, buildings for agro-tourism or even golf courses if they do not require significant topographic changes.

B110. The law also establishes the 'preferential buying right' over neighbouring property for owners of land classified under the *RAN* as well as giving a privileged status in what constitutes agricultural development projects.

B111. The geographical definition of the *RAN* is compulsory in all spatial plans, namely the *PROT* (Regional Physical Plan) and the *PDM* (Municipal Director Plan).

B112. The production of maps with the degree of soil suitability for farming is the responsibility of the *IEADR* (Institute of Agrarian Structures and Rural Development), a central department of the Ministry of Agriculture. The Regional Agricultural Directorates are responsible for preparing proposals for the geographical definition of the *RAN* after consultation with the Regional Commissions for the Agricultural Reserve. The *RAN* becomes effective when it is published in the *Diário da República* (Official Journal) as a '*Portaria*' (Ministerial Order).

B113. The National Council for the Agricultural Reserve is a board which includes representatives of the Ministries of Planning and Territorial Administration, Agriculture, Public Works and Housing, and the Environment and Natural Resources as well as a representative of each of the Regional Commissions for the Agricultural Reserve and a representative of the National Asso-

ciation of Portuguese Municipalities. The Council participates in *Comissões de Acompanhamento* (accompanying commissions) for the administration of the *RAN*, sets the broad guidelines for the management of the *RAN* (which need to be confirmed by the Ministry of Agriculture) and also judges appeals over decisions taken by the regional commissions for the Agricultural Reserve.

B114. The Regional Commissions for the Agricultural Reserve are boards which include representatives of the relevant Regional Agricultural Directorate, the *IEADR*, the relevant *CCR* (regional coordinating commission), the relevant *DRARN* (regional directorate for the Environment and Natural Resources) and of the *ANMP* (National Association of Portuguese Municipalities). The board decides over licensing activities within the *RAN* and has the power to decide on fines, to stop activities and require the restoration of initial soil conditions and characteristics.

B115. Surveillance of the *RAN* is a duty of both the municipalities and the Regional Agricultural Directorates.

B116. The *RAN* (National Agricultural Reserve) is directly related with planning instruments through the requirement for all land-use plans to explicitly consider the geographical definition of the *RAN* and to map it as part of the *Carta de Condicionantes* ('map of restrictions') which is classified by the Law Decree 69/90 as a 'fundamental' element of municipal land-use plans. The *PDM* (Municipal Director Plan) can propose changes to the *RAN*. In this situation, the ratification process is the mechanism used by Government to control changes on the delimitation of the *RAN*.

Reserva Ecológica Nacional (REN)
(National Ecological Reserve)

Law Decree 93/90, 19 March

B117. The *REN* (National Ecological Reserve) Law is intended to protect areas which have specific ecological characteristics by restricting the use and the activities which fall within the *REN* (National Ecological Reserve). The aim is to guarantee the protection of valuable ecosystems as well as the preservation and intensification of biological processes which support the balanced development of human activities.

B118. The *REN* includes coastal zones, areas adjacent to rivers, interior waters (reservoirs,

lakes, etc.), areas of maximum infiltration and areas of steep slopes.

B119. The geographical definition of the *REN* is published in the Official Journal through a joint '*Portaria*' (Ministerial Order) of the *MPAT* (Ministry of Planning and Territorial Administration), *MA* (Ministry of Agriculture), *MOP* (Ministry of Public Works), *MCT* (Ministry of Commerce and Tourism) and the *MARN* (Ministry of the Environment and Natural Resources).

B120. The Law has a national incidence and remains valid until new legislation is enacted.

B121. The Law prevents a wide range of land use and activities in areas classified as *REN*. It excludes urban development initiatives, buildings, roads or other infrastructural works which may destroy the top layer of land. There may be exceptions for defence reasons, which require a joint decision by the Ministry of Defence and the Ministry of the Environment and Natural Resources, or other initiatives which may be considered in the public interest, requiring then a joint decision between the Ministry of Planning and Territorial Administration, Ministry of the Environment and Natural Resources and the Ministry responsible for the development initiative. Other exceptions include all the initiatives which by their nature and scale are not likely to affect the ecological balance of the areas within *REN*.

B122. It is possible to appeal to the Ministry of Planning and Territorial Administration against a decision concerning the refusal to give the 'exception' status to specific development initiatives.

B123. It is compulsory to indicate the geographical definition of the *REN* in all land-use plans.

B124. Proposals for the geographical definition of the *REN* are prepared by the Regional Directorates of the Environment and Natural Resources, based upon their own studies or studies prepared by other institutions (e.g. the municipalities). The municipalities are necessarily consulted in the process of preparing the proposal. The National Commission for the *REN* issues a statement about the proposal which needs to be eventually approved and published in the Official Journal.

B125. The licensing system over development initiatives which fall within the *REN* is accompanied by the National Commission for the *REN*. This consists of 12 members representing sever-

al Ministries, namely the *MPAT*, *MARN*, Agriculture, Public Works, Industry and Energy, Defence, Commerce and Tourism and the Ministry of the Sea. It also includes a representative from the National Association of the Portuguese Municipalities and there is also the possibility to designate two citizens of known scientific merit to participate in the Commission. The National Commission has, inter alia, the responsibility to define broad guidelines, to issue its view on both the proposals for geographic definition of the *REN* and the appeals submitted to them.

B126. The *ICN* (Nature Conservation Institute), the *DRARNs* (Regional Directorates for the Environment and Natural Resources) and the municipalities are responsible for maintaining surveillance of the *REN*. The *DRARNs* are responsible for the technical support of the administrative processes.

Regional level

Plano Regional de Ordenamento do Território (PROT) (Regional Physical Plan)

DL 176-A/88, 18 May; DL 367/90, 26 November

B127. The *PROT* (Regional Physical Plan) defines at a regional or sub-regional level the criteria for the spatial organisation of activities and the use of land. The *PROT* is prepared by the *MPAT* through the *CCRs* (regional coordination commissions).

B128. The *PROT* is a supra-municipal plan involving a variable number of municipalities which are grouped according to a governmental decision after consulting the municipalities involved. The grouping criteria are based on levels of homogeneity defined in terms of the economic, ecological or any other interests or problems which, for reasons of interdependency, require an integrated approach.

B129. The *PROT* does not have a pre-defined period of validity. The revision of the *PROT* is supposed to follow exactly the same processes required for its preparation and approval.

B130. The *PROT* aims to establish, at supra-municipal level, a global framework to guide the physical organisation of activities and land use in accordance with soil capacity and the potentialities of the area. The *PROT* is required to take into consideration areas which should be pro-

tected (due to their agricultural or ecological value or to their cultural, recreational and touristic interest), the hierarchy of urban centres and the main infrastructures of regional and national importance. It should also indicate the location of the more important projects of public equipment and industrial zones.

B131. The norms and principles established by the *PROT* are binding to all public and private agents and institutions. All projects, at either local, regional or national level, should comply with the prescriptions of the *PROT*.

B132. The preparation of the *PROT* is accompanied by a Consultative Commission which includes a representative from the *DOT* (Directorate General for Spatial Planning), a representative of the *CCR* and a representative of each municipality included in the *PROT* area. The Commission can include more members representing institutions whose participation is considered as necessary.

B133. The *CCR* may resort to other agents or institutions to develop specific studies judged as necessary to prepare the *PROT*. While the *PROT* is being prepared, central government can enact 'preventive measures' to avoid the occurrence of circumstances which may undermine the proposals of the *PROT*.

B134. Public participation takes place before the final approval of the *PROT*. This process includes public meetings in all the municipalities involved in the *PROT*. The Consultative Commission must write a report on each of these sessions highlighting the more relevant issues. In particular circumstances those commissions can propose specific amendments to the *PROT*. The Consultative Commission must be heard before the final decision takes place, reporting on the results of the exercise of public participation. In the end of the *PROT* preparation process, the Consultative Commission prepares a final evaluation report including comments on the public participation process. Only then will the publication in the Official Journal of the final version of the *PROT* be made.

B135. The *PROT* is constituted by a Report and a Regulation, including both written documents and graphic material. The *PROT* is required to allocate certain areas to specific types of land use.

B136. The *PROT* is coordinated with other planning instruments often having precedence over

them (particularly in relation to the municipal plans). All other plans, programmes and projects must conform with *PROT* proposals; otherwise they are considered as having no value. The Consultative Commission should guarantee the inter-institutional conformity between planning instruments. The *PROT* incorporates the geographical definition of both the *RAN* and the *REN*.

Rede Nacional de Áreas Protegidas (RNAP)
(national network of protected areas)

Law Decree 19/93, 23 January

B137. Áreas Protegidas (protected areas) for environmental reasons are those areas where the fauna and flora, or the landscape, the existing ecosystems or other natural features have such a high ecological, scientific, cultural or social value that it is required, in the public interest, that particular measures of conservation and management are taken in order to protect them from all actions and activities which may cause damage.

B138. There are protected areas designated as of 'national interest', others of 'regional or local' interest and there may also be protected areas with a private status designated as 'sites of biological interest'. Those of 'national interest' are further subdivided into *Parques Nacionais* (national parks), *Parques Naturais* (natural parks), *Reservas Naturais* (natural reserves) and *Monumentos Naturais* (natural monuments).

B139. An *RNAP* (network of protected areas) is aimed to contribute to the overall society's goal of nature protection and conservation. The network also has as a main objective the promotion of scientific research in order to develop knowledge and understanding about the natural environment and the biosphere. Furthermore, they also aim to promote the sustainable development of the region, enhancing the interaction between the natural environment and human activities so improving the quality of life. Another relevant aim is the preservation of economic and cultural traditional activities on the basis of a rational management of the natural inheritance.

B140. With the exception of the natural monuments and the sites of biological interest, all the other kinds of protected areas require the preparation of a land-use plan and the respective regulation. In the case of *Parques Nacionais* (national parks), *Parques Naturais* (natural parks) and

Reservas Naturais (natural reserves), the plan, once approved, will be published in the Official Journal as a Regulatory Decree. In the protected areas of regional and local interest, the plan and its regulation will have the status of a 'detailed plan' (see Sections 159 to 165).

B141. Local authorities, individually or collectively, can propose the classification of an area as a 'Protected Area' of regional or local interest. In the case of areas of national interest, environmental associations, and indeed any other private or public institution, can propose such classification. These proposals are submitted to the *ICN* (Institute for Nature Conservation), which then assesses its technical justification. It is the responsibility of the *ICN* to submit to the *MARN* the designation of a protected area. The proposals can be based upon previous suggestions made by other agents or institutions, as mentioned above, or can result from the *ICN*'s own initiative.

B142. The classification of a given area as a protected area is published as a Regulatory Decree in the Official Journal, and preceded by a public enquiry and consultation with the relevant municipalities and Ministries. The Decree can establish some restrictions to the types of activities, land use and land-use change within the protected area. It can also establish that the licensing of some development projects requires prior approval of the *Directive Body* of the protected area (see paragraph *B156*).

B143. The *ICN* has the responsibility of preparing the land-use plan for the *parques nacionais e naturais* (national and natural parks) and the *reservas naturais* (natural reserves). There is an Accompanying Commission, set up by the *MARN*, which includes representatives from the *MARN*, the *MPAT* and the Ministry of Agriculture (and also the Ministry of the Sea when appropriate), as well as representatives from the relevant municipalities. The Commission issues an opinion after the plan has been prepared.

B144. After the Commission's opinion has been submitted, the *ICN* is responsible for organising a period of public enquiry which will last for no more than 30 days. Once approved, the Plan is published in the Official Journal as a Regulatory Decree and overrides the specifications established in the Regulatory Decree issued to classify the area as a protected area.

B145. The protected areas of regional and local interest also require a land-use plan which is considered as the equivalent to a detailed plan. This plan has to be approved by *MARN*, *MPAT* and the Ministry of Agriculture, following consultation with the *ICN*, and is then published in the Official Journal as a joint '*Despacho*' (Ministerial Dispatch).

B146. In Portugal there is one national park, seven natural parks and eight natural reserves. By the end of 1992 only three land-use plans for natural parks had been prepared.

B147. The national park, the natural parks and the natural reserves are managed by a Directive Commission supported by a Consultative Council. The natural monuments are administrated by the *ICN*. The protected areas of regional and local interest are managed by the local municipalities or by an association of municipalities. The management of protected areas includes the authorisation of activities and land use changes within the respective boundaries.

B148. The Directive Commission has a President designated by the *MARN* and two other members, one designated by the *ICN* and the other by the municipalities. The Consultative Council has a maximum of 15 members including representatives from scientific institutions or other experts, representatives from central administrative departments and the municipalities, parish councils and environmental associations.

B149. The monitoring functions are, in general, shared by the municipalities and the *ICN*. However, the technical support of processes and the application of sanctions are the responsibility of the Directive Commission.

B150. *MARN* hears the appeals against decisions taken by the directive commissions of statutorily protected areas.

Planning instruments at regional level: An example of a Regional Physical Plan: *Plano Regional de Ordenamento do Território da Zona Envolvente do Douro (PROZED)* (Regional Physical Plan for the Douro Riverside)

B151. This case study is about a Regional Physical Plan covering a significant part of the River Douro basin. The inner part of this river basin is generally characterised by low levels of economic development. A number of important structur-

al investments have been planned, including the expansion of the road network and improving the navigability of the River Douro. It was thought the impact of these initiatives might generate development pressures, in particular on the riversides, that could endanger the outstanding visual quality of the landscape and the overall environmental quality of the area.

B152. The *CCRN* (Northern Regional Coordination Commission) had previously prepared a number of survey reports and planning studies. This helped to support the establishment of close contacts with the local authorities in order to define an integrated process of planning that was thought necessary to tackle the development issues. These contacts were carried out before the legislation defining the concept of *Plano Regional de Ordenamento do Território (PROT)* (Regional Physical Plan) had been approved, and before any of the local authorities had started the preparation of their *PDMs*.

B153. The formal decision to produce a *PROT* was taken by central government on September 1988. Following this decision, the government appointed the *CCRN* with the task of preparing the plan. It broadly defined the geographical boundary of the area for intervention, covering 14 municipalities. These municipalities had previously heard about the initiative. The decision also established the main objectives of the plan and defined the Consultative Commission that should follow the plan preparation process. This Commission was made up of 26 members, a representative of the *CCRN*, a representative of each of the 14 municipalities covered by the plan, and representatives of government departments in domains such as environment, agriculture, industry and energy, public works, transport and communications and commerce and tourist development.

B154. Besides monitoring the plan preparation process, this Commission was expected to ensure coordination with sectoral plans, programmes and projects initiated by the national administration. In this way, a forum has been created for the necessary debate to establish compromises, priorities and securing future investments.

B155. The *CCRN* provided the study team that prepared the plan. The first tasks carried out in close collaboration with local authorities included the precise definition of the territorial boundaries

of the *PROZED* and the preparation of a set of site specific 'preventive measures'. According to these measures the licensing of certain construction works, housing projects, commercial and industrial developments, and changes in the natural landscape were subject to authorisation from the *CCRN*. As a result, the team in charge of the plan-preparation process started to work with the municipalities, supporting their licensing processes.

B156. Six months into the plan-preparation period, in March 1988, an initial document characterising the study area, and defining strategic policies for the Douro riverside was presented to the Consultative Commission. These studies were then elaborated and in October 1990, one year and a half later, were finally presented. A large number of sectoral documents were also produced with support of regional services in domains such as: forest, tourism, agriculture, cultural heritage, and discussed by the Consultative Commission. They were also subject to public consultation.

B157. The *PROZED* took the following final format:

- 14 separate documents with studies and justifications of the proposals on: methodology, strategy and coordination with other plans, socio-economic context, network of urban centres, definition of the *RAN* (National Agricultural Reserve), definition of the *REN* (National Ecological Reserve), physical planning of agricultural and forest lands, classification of the natural heritage, survey of geological resources, evaluation of landscape quality, profile of tourist potentials, physical plans for reservoirs and, finally, a programme of future actions;
- regulations including macro-zoning of the study area and land-use policies;
- five maps establishing development constraints (scale 1:25 000), land uses (scale 1:25 000), physical planning of reservoirs (scale 1:25 000), the visual basin of River Douro (scale 1:100 000) and the archeological sites subjected to special protection (scale 1:100 000). The first two present the main policies and rules of the *PROZED*. An extract from the *PROZED* regional plan is given in Figure 6 at the end of this publication.

B158. The public participation exercise took approximately one month. Throughout this period, a number of meetings were held in the town cham-

bers of the municipalities covered by the *PROZED*. Special publicity was made with announcements in local journals and brochures were prepared including a summarised version of the *PROZED*. Comments made by the public, either written or oral, were systematically analysed and reported to the Consultative Commission who produced the final document which was to be submitted to the Ministry of Planning.

B159. The *PROZED* was published in the Official Journal in November 1991, one year after the public participation exercise took place. The *PROZED* decree appointed a special Council for the follow-up and evaluation, it included the same institutions that made up the previous Consultative Commission. According to this decree, the *CCRN* should present an annual plan implementation report to the Council. The *PROZED* will be effective for a period of 10 years.

B160. The *PROZED* case study presents, in comparison to other *PROTs* already approved or currently in preparation, some specific features that justify additional comment. Its preparation was totally carried out inside the *CCR*. In other cases *PROTs* have been totally or partially prepared by private consultancy firms. Another aspect worth mentioning is the fact that *PROZED* was prepared in the absence of effective *PDMs* (Municipal Director Plans). As a result, the *PROZED* not only developed strategic studies, but also detailed surveys and proposals covering the cultural heritage, natural resources protection areas, and even local urban planning policies. More recent *PROTs*, prepared in parallel with *PDMs* or even with these already approved, have been emphasising supra-municipal investments, a compatibility analysis between *PDMs*, and questions of a wider scope related to sustainable development strategies.

Local level

B161. At the local level the *PDM* provides a strategic framework for the development of a municipality. These are often elaborated in a series of more detailed land-use plans.

Plano Director Municipal (PDM)
(Municipal Director Plan)

Law Decree 69/90, 2 March; DL 211/92, 8 October

B162. The *PDM* (Municipal Director Plan) is the main spatial planning instrument at municipal level. It defines the basic principles and rules for land use change. The municipality has the responsibility of preparing the *PDM* which must be approved by the Municipal Assembly and ratified by central government. The *PDM* covers the whole municipal area.

B163. The *PDM*, once approved, remains valid until a political decision is made to review the plan. The revision of the *PDM*, which the law suggests should take place not more than 10 years after its approval, will follow similar procedures to those of its preparation.

B164. The main objectives of the *PDM* are to establish basic principles and rules for land-use change. It aims to support socio-economic development policy and provide a framework for the municipalities to prepare their programme of activities. The *PDM* is also supposed to identify housing needs and provide guidelines for the strategies to be followed in order to meet these needs, and provide a framework where the different sectoral interventions can be conducted and integrated.

B165. The *PDM* is an 'administrative regulation', i.e. it is legally binding.

B166. A municipality has a duty to prepare a *PDM*. The lack of an approved and effective *PDM* may prevent the local authority from having access to some development policy instruments.

B167. The effectiveness of *PDM* prescriptions may in exceptional circumstances be totally or partially suspended by central government in cases of apparent public interest, or by the Municipal Assembly when the municipal interest is at stake.

B168. The preparation of the *PDM* is monitored by a technical commission chaired by the relevant CCR and including necessarily the municipality, the *DGOT* and the *DRARN*. This commission may include other departments of central administration thought relevant and agreed by the participating institutions. This commission aims to facilitate the articulation of sectoral programmes and initiatives, as well as to promote conformity between plans and programmes with different spatial scales in order to develop efforts towards consensus-building.

B169. While the *PDM* is being prepared, it is possible to establish 'preventive measures' and

'preliminary norms' in order to secure the conditions for effective plan implementation.

B170. The law permits three types of document in the municipal land-use plans, distinguishing between: 'fundamental', 'complementary' and 'ancillary' (annex) documents. The 'fundamental' documents consist of a 'regulation' which is then graphically 'translated' into two types of maps, one showing the existing restrictions to land use change (e.g. the *RAN*, *REN* and the location of the 'areas of restricted use') and the other map containing the plan proposals in terms of land use and development control (the respective content varying with the type of plan).

B171. There are four types of 'complementary' documents, two of which are common to all types of municipal plans. They are a 'report' which explains the main policy proposals and development guidelines and a 'locational map', where the plan area is put in the context of the broader regional setting, particularly in relation to the main communications network. The two other 'complementary' documents are compulsory for the urban development and detailed local plans. They include the intended time scale for the main public works involving the municipality, the preparation or revision of other planning instruments, and a 'financing plan' including cost estimates of proposed municipal investments and stating anticipated funding sources.

B172. The 'ancillary' documents include the studies which support development proposals (e.g. physical, social and economic characterisation studies), the existence of 'higher level' plans with a bearing on the plan being prepared and a map describing the existing (land-use) situation.

B173. Public participation is guaranteed through two mechanisms. The first derives from the right of public access at any stage to the process of plan preparation, approval and ratification. The second derives from the legal requirement for a 30 days period in which the proposed plan is 'deposited' for public consultation so that the public can raise questions and express opinions about the plan. This period takes place in the final stages of plan preparation after the plan proposal has successfully gone through a process of institutional consultation and before being discussed at the Municipal Assembly.

B174. After approval by the Municipal Assembly, the proposed plan still has to be ratified by cen-

tral government, 'registered' by the DGOT and published in the Official Journal.

Planos de Urbanização (PU) (Urban Development Plan)

Law Decree 69/90, 2 March; DL 211/92, 8 October

B175. The *PU* (Urban Development Plan) defines the spatial organisation of urban areas. It can encompass the whole urban area or only part of it. The municipalities are responsible for their preparation and the Municipal Assembly for its approval. If there is no effective *PDM*, the *PU* must be ratified by central government.

B176. The *PU*, once approved, remains valid until a political decision is taken to review the plan. The revision of the *PU*, which the law suggests should take place not longer than 10 years after its approval, will follow similar procedures to those of its preparation.

B177. The *PU* is, like the *PDM*, an 'administrative regulation', i.e. it is legally binding.

B178. The *PU* shares with the *PDM* the broad objectives outlined above (see B164).

B179. The *PU* defines the spatial organisation of urban areas establishing an urban 'boundary' and a global view of the urban form. In particular, it is supposed to establish urban 'parameters' (i.e. dimensioning criteria to guide development control), building uses, patrimonial legacy to be protected, the location of public facilities and open spaces, and schematic location diagrams of road and other main infrastructures.

B180. Like the *PDM*, the effectiveness of *PU* prescriptions may be totally or partially suspended by central government in exceptional situations, either where there is apparent public interest or by the Municipal Assembly, when the municipal interest is at stake.

B181. The preparation of the *PU* can be monitored by the *CCR*, if required by the municipality, and subject to availability from the *CCR*. When there is no effective *PDM*, the *CCR* must be consulted before ratification of the *PU*. While preparing a *PU* it is possible to establish 'preventive measures' or 'preliminary norms' in order to create the necessary conditions for the effective plan implementation.

B182. The *PU* also requires the three types of documents referred to above (see paragraph 166/168 and subsequent ones). Among the 'fundamental' documents and in addition to the 'regulation' and the 'map of restrictions', the *PU* includes a 'zoning' map where land uses are indicated on the basis of the 'dominant use' and the respective 'urban parameters' are specified. This structure gives rise to 'operative units' for planning and development control which will also guide the preparation of detailed plans.

B183. The mechanisms for public participation are similar to those described for the *PDM*.

Planos de Pormenor (PP) (detailed local plans)

Law Decree 69/90, 2 March; DL 211/92, 8 October

B184. The *PP* (detailed local plan) establishes the typology of land use for a specific area of the municipality. It conveys a concept of urban space defining land uses and building guidelines as well as specifying design characteristics of façades and public open spaces. The municipalities are responsible for their preparation and the Municipal Assembly for its approval. If there is no effective *PDM* the *PP* must be ratified by central government.

B185. Once approved, the *PP* remains valid until a political decision is taken to review the plan. Though the law suggests this should take place not more than 10 years after its approval, it will follow similar procedures to those of its preparation.

B186. The *PP* is, like the *PDM*, an 'administrative regulation', i.e. it is legally binding.

B187. Like the *PDM*, the effectiveness of *PP* prescriptions may be totally or partially suspended by central government in exceptional situations, cases of apparent public interest or by the Municipal Assembly, when the municipal interest is at stake.

B188. The preparation of the *PP* can be monitored by the *CCR*, if required by the municipality, and subject to availability from the *CCR*. When there is no effective *PDM*, the *CCR* must be consulted before ratification of the *PP*. While preparing a *PP* it is possible to establish 'preventive measures' or 'preliminary norms' in order to create the conditions for the effectiveness of plan's proposals.

B189. The *PP* also conforms to the three types of documents referred to above (see paragraph 166/168). Among the 'fundamental' documents and in addition to the 'regulation' and the 'map of restrictions', the *PP* includes a 'lay-out' map. This map establishes the land subdivision, alignments, the precise location of buildings, the number of storeys or height, the number and type of dwellings (i.e. their number of rooms), total building area and their intended use destination, nature and location of public facilities and also density of existing buildings (maintenance, rehabilitation or demolition).

B190. The mechanisms for public participation are similar to those described for the *PDM*.

Avaliação de Impacte Ambiental (AIA) (Environmental Impact Assessment)

Law Decree 186/90, 6 June

B191. The Law Decree 186/90 specifies the conditions under which the approval of planning applications necessarily requires a previous process of *EIA* (environmental impact assessment) study. This study is prepared by the applicant and must be approved by the *MARN* which nominates a competent authority to lead *EIA* study approval.

B192. The Law Decree has a national incidence. It is effective until new legislation is enacted.

B193. Law Decree 186/90 introduces the provisions of Directive 85/377/EEC into the Portuguese legislation. The legislation adopts a preventive stance to environmental damage and sets out general principles for the environmental impact assessment of both public and private development projects. The stated aims of impact assessment are not only to secure the diversity of species and the preservation of ecosystems, but also the protection of public health and improvement of the quality of life of the population.

B194. The *EIA* study must take into consideration the impact of the proposed development project on a wide range of environmental factors, namely on mankind, fauna and flora; soil, water, climate and landscape; the interaction between the above mentioned factors; the built and cultural heritage.

B195. The Law Decree states the types of development projects requiring *EIA*. These projects

are discriminated in Annexes I and III to the Law Decree, with further specification being provided by complementary legislation (Regulatory Decree 38/90, 27 November).

B196. *MARN*'s decision based upon the *EIA* study is not binding although not to respect it will require, from the licensing authority, the production of a reasoned justification and the likely creation of a special environmental monitoring system.

B197. The Law also refers the conditions under which such projects may be exempted from *EIA*. This will require a joint decision from the Member of Government responsible for the sector to which the project belongs and the Member of Government responsible for environmental affairs.

B198. The *EIA* study must be presented by the applicant when the planning application is submitted to the licensing authority. The licensing authority forwards the development project and the *EIA* study to *MARN*. *MARN* designates the authority responsible for leading the *EIA* approval process. This lead authority undertakes public consultation which includes a period to publicise the *EIA* report and a 'Non-Technical Summary' of the study. All written objections must be considered and public meetings may be organised to promote and facilitate public participation.

B199. In practice, when the development project is located within urban areas or goes through urban settlements, the responsibility to designate the lead authority is shared by *MARN* and *MPAT*.

B200. The lead authority must prepare a report on the public consultation procedures, and assess the information gathered through it. On the basis of this, the lead authority must issue an opinion on project implementation. *MARN* then forwards the report and the final opinion to the licensing authority.

B201. *MARN* is responsible for monitoring and is invested with the power to enforce its decision, namely through fines and other actions (e.g. to apprehend equipment and machinery, to close the premises, to exclude the organisation from participation in public tenders).

B202. If *MARN*'s opinion is not endorsed by the licensing authority, the *MARN* can set up special monitoring procedures and environmental audits in order to assess the environmental impact of development projects.

Planning instruments at municipal level: An example of a *PDM* (Municipal Director Plan) for Aveiro

B203. The process of preparation of the *PDM* (Municipal Director Plan) for Aveiro started in January 1988. By then relevant legislation had been enacted, in 1982 (DL 208/82), and the central administration had expressed the wish that all the municipalities should have an approved *PDM* within a decade. Nationwide progress in plan preparation was, however, slow throughout the 1980s. The decision of the municipality of Aveiro was spurred by the opportunity arising from the *Programa de Gestão e Conservação de Energia em Cidades Médias (MEREC)* (management of efficient resources and energy in cities). This was a programme funded by the United States Agency for International Development with the aim of achieving an efficient management of resources and energy in small and medium-sized cities. Aveiro was selected together with three other medium-sized cities for the implementation of the *MEREC* programme. Under this umbrella, the *PDM* was considered to be a project which could integrate other sectoral studies that were also being supported by *MEREC*.

B204. The municipality decided to prepare the plan 'in house', instead of contracting it out to a private firm. Given the scarcity of technical staff available to carry out the work, the local authority temporarily employed a group of mostly young people with different professional backgrounds whose work was to be coordinated by two experienced external consultants. The two consultants, based in Oporto, were an architect and an economist.

B205. The relevant legislation (DL 208/82 and DR 91/82) had established a process of plan preparation and approval according to a six-stages model, in which the first three stages provided essentially an analytical context and the final stages reflected the need to define policy proposals. The elaboration of the 'summary studies', started following the formal decision to prepare the *PDM* which was taken by the Municipal Assembly in April 1988, under proposal of the Executive Council. The preparation of the 'preliminary programme' was approved by the executive in October of the same year. The 'preliminary studies', the final document of the 'analytical phase' of plan-preparation, were submitted to the Accompanying Commission one year and a half later, in April 1990. The Accompanying Com-

mission was institutionalised in October 1988, and eventually enlarged, with one representative from the local Port Authority (June 1989) and later with a representative from the *DRARN* (Regional Directorate for the Environment and Natural Resources), following a re-organisation of the structure of central government.

B206. The preparation of the 'preliminary studies' involved in-depth sectoral analysis (e.g. demography, housing, agriculture, industry) as well as efforts to involve other socio-economic and institutional agents (like parish councillors and manufacturing entrepreneurs) in the process of plan preparation. However, the level of participation was low. More successful was the link with day-to-day development control, in an attempt to articulate and inform policy design with current development trends. When the 'preliminary studies' were submitted, new legislation concerning *PDMs* (Municipal Director Plans) had recently been enacted (DL 69/90), and it was decided that the *PDM* would progress according to the new legislation.

B207. The definition of policy proposals and the preparation of a first formal version of the plan would then take about three years to complete. One of the main difficulties in preparing the plan was the definition of the *RAN* (National Agricultural Reserve) and *REN* (National Ecological Reserve). Since the use of land is severely restricted in areas classified as *RAN* or *REN*, their geographical definition raises many problems not only in terms of the availability and adequacy of supporting information for their classification but also in terms of land-use conflicts derived from landowners' expectations. In April 1993 the 'preliminary studies' were submitted to the *CCR* (Regional Coordination Commission) in order to obtain comments/objections from a relative long list of institutions which were due to be consulted.

B208. Meanwhile, in order to save time, the public inquiry process was launched and the 'plan-proposal' was displayed for one month in the Town Hall and in each parish council. By the end of that period, 19 written objections were presented on different issues. A further objection was submitted after the legal deadline. Several objections were presented by parish councils. The report of the public inquiry process, prepared by the local authority, was presented in July, with responses to each of the 19 objections being made in the plan proposal. None of them implied major alterations to the plan. In May, a meeting

was held between the local authority, represented by the Mayor, the Accompanying Commission and the authors of the plan, with most of the institutions due for consultation. Objections were heard and during June and July several other meetings were held with individual institutions. Most of the objections, with few exceptions, were successfully overcome through consensus. By the end of July, the Accompanying Commission issued a formal report with the proposed changes to the plan following the period of institutional consultations.

B209. In October 1993, the plan was formally presented to the Municipal Assembly. It was not intended to be an in-depth discussion but rather a first overview of the policy proposals and their rationale. In this session, several objections were raised by members of the opposition parties, suggesting that the plan would be controversial. Local elections were to take place in December of 1993 and the plan was not discussed again before elections. However, it became a central issue during the elections campaign. Although the Mayor was re-elected, the Plan was presented again to the Municipal Assembly a year later, in December 1994, and after the Mayor had left the municipality to become a European MP. Strong opposition from several members and parties of the Municipal Assembly led to the creation of a special Commission within the Municipal Assembly, where all parties were represented. The intention was to introduce changes to the plan within a month, but of such nature that its ratification (by central government) would not be endangered by the proposed changes. The Commission performed its task within the established time limit and a final session of the Municipal Assembly was due to take place by the end of January 1995 (*time of writing*) to discuss and approve or disapprove the plan.

B210. The plan is focused on 'spatial ordering' issues dealing often very superficially and with apparent uneasiness with issues of socio-economic development and/or argumentative nature. It considers three types of zones (see Figure 7 at the end of this publication):

- (i) where building activity will be allowed;
- (ii) where building activity may be allowed if necessary and in a very restricted way;
- (iii) zones where preservation is the key word (basically *RAN* and *REN*).

These are mapped at a scale of 1:10 000 for the whole municipality. The first type of zone is further subdivided according to building densities and/or dominant uses. Three sub-types of 'residential' areas are considered (multi-family housing, single family/high density, single family/low density), although uses other than housing may be allowed, provided that some compatibility criteria are met (basically environmental and adequate infrastructure availability). Other types of zones are considered, like industrial zones, commercial and stores, etc. Apart from dominant uses, the plan establishes other criteria dealing, for instance, with minimum parking space, layout details and height of the buildings. It still allows for a high level of discretion in the implementation of the plan deferring to a later stage the definition of more precise criteria. To this end, it proposed that more than 80 (!) detailed plans need to be prepared to provide more precise guidance.

Planning instruments at local level: An example of an Urban Development Plan ⁽¹⁾

B211. The decision to prepare a *PU* (Urban Development Plan) was taken by the Executive Council of the municipality in April 1992. The main reason for this decision was related to the inadequacy of the existing plan, which dated from 1954. This inadequacy was even more marked in view of the significant pressure for change which the urban area had been recently experiencing. Also, the *PDM* (Municipal Director Plan) was being prepared and there was a perceived need for complementary and more detailed guidance for the main urban area in the municipality. The plan was to be prepared by a private firm working in close cooperation with the planning department of the municipality. The planning department was charged with the preparation of the terms of reference for the corresponding public tender. The decision of the Executive Council was approved by the Municipal Assembly in June of the same year. In August, the terms for the public tender were published in the Official Journal and by October a private firm had been selected to prepare the plan.

B212. In March 1993, the Executive Council approved a first document prepared by the firm of consultants. This document focused on 'areas and principles for strategic intervention'. It basically corresponds to a first phase where planners,

⁽¹⁾ All information regarding the location of the project/plan is confidential.

in liaison with the municipality's planning department, became acquainted with the local development issues, by visiting the area and interviewing local 'actors' (e.g. developers, businessmen, writers) and institutions (e.g. parish councillors, wine institutes, school boards). As a result, the planning team identified different geographical areas where different types of intervention were required, formulated some objectives for each type of intervention and outlined the ways in which a more precise definition of those interventions could be achieved. In parallel, a draft regulation was being prepared and, following the approval of the first document and further consultations, a second document was submitted in June proposing and justifying a provisional zoning map and the corresponding administrative regulation. This document also aimed to help the (ongoing) day-to-day process of development control.

B213. To some extent, this urban development plan is atypical in the sense that there is an explicit concern in producing a 'strategic framework' to which the 'spatial ordering' proposals should refer. An argument was put forward to provide flexibility in order to accommodate the uncertainties inherent in the plan-formulation stage. The methodology adopted reflected this approach and ended up requiring much more time than originally anticipated. The final product will also reflect the planning approach adopted and will contain a section on specific policy initiatives.

B214. The following months were dedicated to more detailed, sectoral studies. At the same time, the firm of consultants participated in the process of licensing development proposals within the plan area. Sectoral studies were of distinct types. One concerned the overall process of urban change and its relation with the urban economy. The other sectoral studies were related with more specific issues. One concerned an area of urban degradation. A second was related with a sport and leisure area which the municipality wanted to develop. The third was related with the anticipated construction of a ring-road and the consequent development opportunities around the existing 'through' road, eventually to become a main urban avenue.

B215. In March 1994 the consultancy firm submitted to the local authority a draft version of the *PU* (Urban Development Plan). The 'graphic' content of the plan includes a zoning map, a map of restrictions, a 'contextual map' and an

'intervention map'. The latter refers to the proposed planning interventions, distinguishing between those relying exclusively on the municipality's initiative and those that the municipality can influence but are dependent on others, both private and institutional, to initiate. The 'written' content of the plan comprises the plan report, which is subdivided into three main parts. The first establishes the planning principles and refers to the methodological steps taken in the preparation of the plan. The second contains the sectoral studies referred to above. The third section is focused on specific actions and policy measures. Finally, there is also the regulation which, once approved, will be legally binding.

B216. The agreed timetable between the Executive Council and the planning firm also departs slightly from established practices. Reflecting an increased openness to public participation, there will be a period for public examination before sending it to formal consultations with the relevant departments of the central administration. Consequently, the public at large will have a month (November) to raise objections to the plan. The following month will be dedicated to the analysis of the objections and to the introduction of the changes regarded as appropriate. In January the revised plan will be sent for formal consultations, as established by the relevant legislation. In March, official statements will be known and the plan will be again deposited for one month for public examination. After consideration of any new objections, the plan will be submitted to the Municipal Assembly for approval. The municipality will then send the plan to the Directorate General for Physical Planning, to be 'registered' and published in the Official Journal.

Development rights

B217. Development rights are acquired only through the licensing system. Formal planning instruments do not grant any development rights although the 'presumption' that such rights will be given increases with the level of detail of effective and formal planning instruments (namely the plans and the '*loteamento*').

Sources and further information

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Law Decree 196/89, 14 June as amended by Law Decree 274/92, of 12 December.

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Law Decree 19/93, 23 January.

Law Decree 11/87, 7 April.

Law Decree 309/93, 2 September.

Law Decree 69/90, 2 March, as amended by Law Decree 211/92, 8 October.

Law Decree 186/90, 6 June, as amended by Rectifying Declaration of 20 July, 1990.

Regulatory Decree 38/90, 27 November.

C. Regulations and permits

Overview

C1. The land-use principles and the spatial ordering expressed in the municipal and regional plans do not grant development or building rights. These are acquired through the licensing system. The main legislation regulating the licensing system is the Law Decree 445/91, *Licenciamento Municipal de Obras Particulares* (municipal licensing of private development). In addition, Law Decree 448/91 regulates private development initiatives involving the subdivision of a given property into smaller plots with the aim of promoting the *Loteamento* (urban development). The latter legislation may also grant the right of carrying out *obras de urbanização* (urbanisation works), which basically correspond to infrastructure provision in terms of roads, water and electricity supply, public open space, etc. However, specific private development projects in the framework of a '*Loteamento*' are still required to go through the main regulation of the licensing system, i.e. Law Decree 445/91. In addition to these permits, some specific ones must also be obtained when development projects concerning specific types of activity, namely industry, large-scale commercial projects, tourism related projects and quarrying, are concerned.

Main permit

C2. The way in which municipalities authorise construction works and the use of buildings is defined by Law Decree 445/91 of 20 November, the *Licenciamento Municipal de Obras Particulares* (municipal licensing of private development).

C3. Authorisations for construction work are issued by the local authority, following the submission of an application which then goes through specific assessment procedures, which will be described below. Some of these procedures are optional, namely the submission of a preliminary information request on the viability of a given development proposal. If a favourable reply is given to a request for preliminary information, the corresponding (and conforming) development proposal will then go through simplified and less time-consuming assessment procedures (provided that the submission is made less than one year after the preliminary information had been granted).

C4. The use of the buildings must also be authorised after their construction. The Mayor has the legal responsibility to issue such an authorisation, though in some circumstances, depending either on the existence of an effective plan or on the nature and scale of the project (e.g. industrial premises, tourism projects, large shopping centres), the relevant central administration department must also approve the initial use of the premises.

C5. This legislation reflects and develops the basic principle established by the Land Law (see Section B: Policy instruments) which distinguishes between property rights on the one hand and building and use rights on the other hand. The first are the object of specific Constitutional articles, whereas the latter are in fact controlled by public administration mainly through DL 445/91.

C6. The Law Decree has a national incidence and remains valid until new legislation is enacted.

C7. DL 445/91 explicitly states (Art. 68º) that there should be no betterment or compensation

payments. Local authorities are, however, allowed to impose municipal taxes on the issuing of building and use licences. The definition of these taxes is governed by Law 1/87, *Lei das Finanças Locais* (Local Finances Law). The Law is, however, vague on what the taxes should cover and how they should be calculated. Consequently, there is a significant diversity among the municipalities concerning the way these taxes are calculated and on their total amount. They tend to be, nevertheless, a minor component of the overall cost of the development proposal.

C8. DL 445/91 also refers to procedural matters aiming to increase the transparency of public administration. For instance, it establishes limited periods for the different departments to issue their statements on applications (not responding in time is considered as a tacit approval) and also requires the local authority to state explicitly the reasons why an application is refused and the legal underpinnings of such reasons. Moreover, it grants citizens right of access to the content of existing plans and to make a preliminary enquiry about the conditions which development initiatives will have to respect. Moreover, citizens are entitled to know at what stage is the process of assessing development applications. The law also requires applicants to publicise the building permit and to register on a *Livro da Obra* (building diary) all significant elements of the construction work.

Application for the permit

C9. The planning application is submitted to the local authority which issues the corresponding licences. The number of institutions and governmental departments to be consulted and, consequently, the time-periods involved in the process of approval, will depend on the existing local planning framework. Four different situations are considered, according to the availability of:

- an effective *Plano de Pormenor* (detailed local plan) or *Loteamento* (land subdivision scheme);
- an effective *Plano de Urbanização* (Urban Development Plan);
- an effective *Plano Director Municipal* (Municipal Director plan);
- no effective formal planning instrument.

The degree of autonomy of the local authority is higher in the first of the situations just mentioned.

Processing a permit

C10. In global terms, the procedures through which an authorisation can follow are:

- the request by the applicant for preliminary information about the possibility of building on a specific plot of land and the conditions to be respected. The local authority must justify the legal basis of its decision and, if appropriate, must also indicate the circumstances in which such decision may change. This is an optional step for the applicant;
- the submission of the planning application itself which must necessarily contain, among other documentation, the architectural project plus an estimate of the costs involved, and the time-scale of the construction work;
- the 'formal' acceptance of the application, which asserts, *inter alia*, the legitimacy of the applicant and the adequacy of the documents included in the planning application;
- an assessment of the architectural merits of the project assessed on the basis of the existing effective plans and/or relevant planning instruments. If the project is approved, the applicant will have to submit within a given period of time (not less than 60 days), other specialised projects (e.g. water supply, sewerage, electricity systems);
- approval by relevant central administration departments is sought once the specialist projects have been received. The local authority sends these to the relevant institution and/or departments of central administration for consultation. Any negative statement must be based on legal considerations. It is possible to apply to an hierarchically higher department of Central Administration to reassess previous decisions on these specialised projects;
- the decision of the local authority is made. In case of a refusal the applicant can resort to the judicial system;
- the issuing of a specific permit to carry out building work. This requires taxes as well as other charges to be paid by the applicant, and also implies some documentary proof of technical ability by those who will be responsible for carrying out the construction work;
- an application for the use of the building once the construction work is finished has to be submitted;

Figure 8: Procedure for applying for and processing a building permit when there is an effective local detailed plan or land subdivision scheme

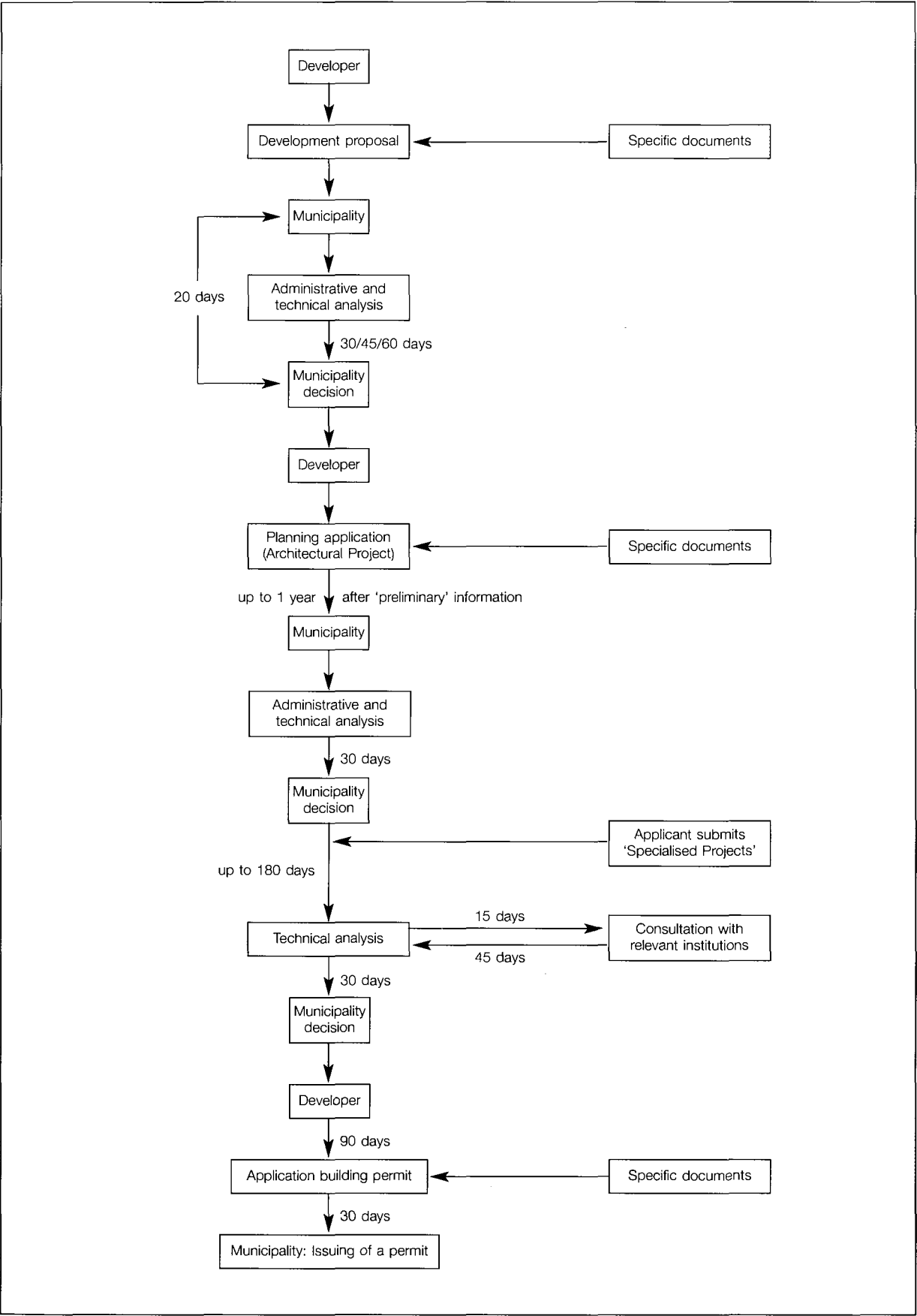
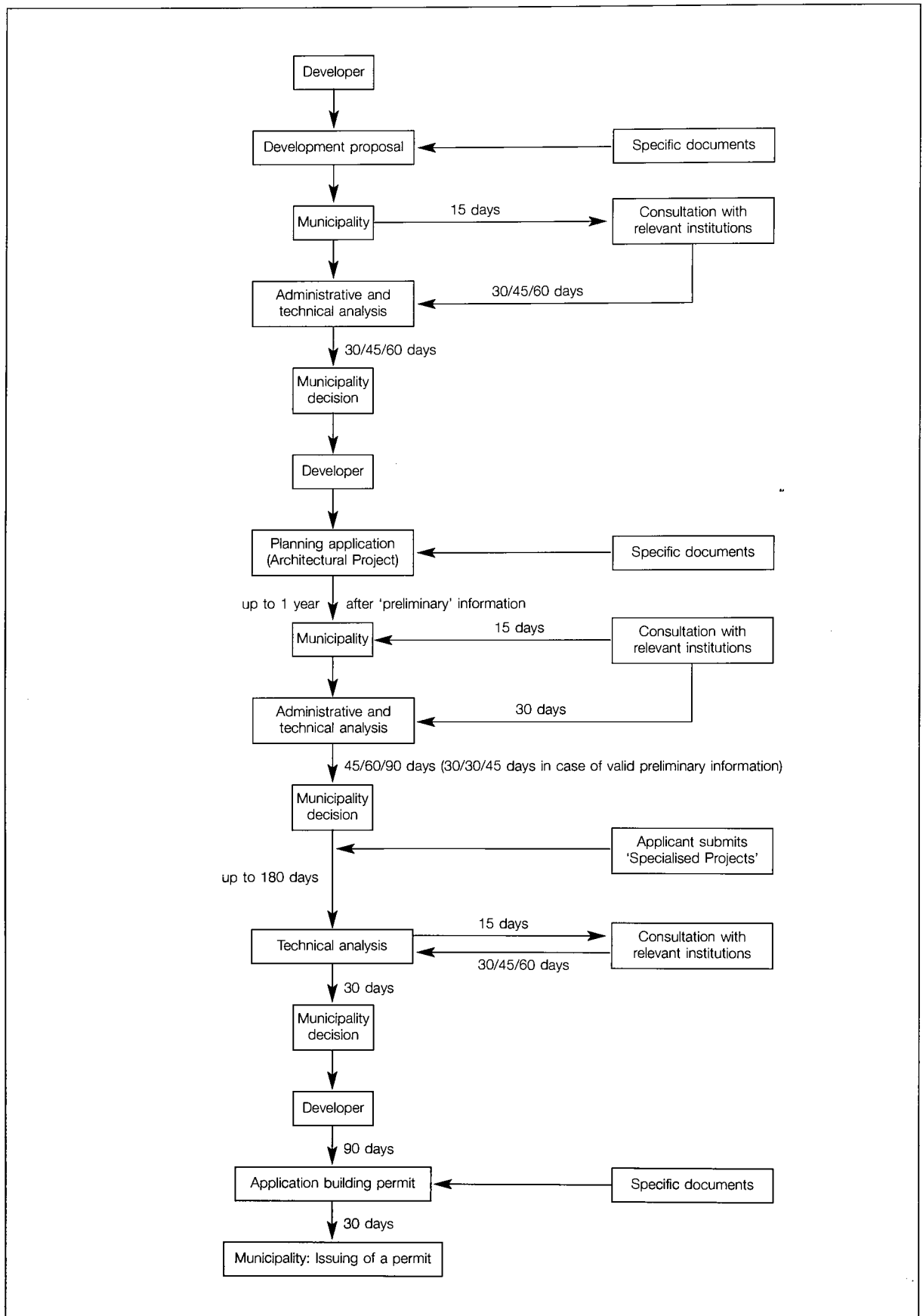


Figure 9: Procedure for applying for and processing a building permit when there is an effective Urban Development Plan/Municipal Director Plan/no effective plan



- the local authority will visit the building in order to support the decision of the application to use the building, and may subsequently grant the 'right to use' (followed, when appropriate, by a similar decision from the relevant department of central administration).

Conditions relating to the permit

C11. Authorisations have a limited period of validity specified in the permit itself. If this period is surpassed, the applicant is required to initiate a process of renewal of the permit. Moreover, if the construction work is suspended or abandoned for 15 months or more, the permit automatically expires.

Rights of appeal

C12. The Code of Administrative Procedures (DL 442/91 15 November 1991) defines the necessary conditions to exercise rights of appeal. According to this Code, all citizens who think they have been harmed or suffered any kind of damage as a consequence of an administration decision have the right to appeal. This appeal can be directly addressed to the official responsible for the decision or to one of his/her superiors or to the empowered institutions to which they belong.

C13. The Code of Administrative Procedures also defines the concept of 'diffused interests'. This concept guarantees the rights of appeal to all citizens who feel they have suffered some sort of damage as a result of public administrations' actions or decisions in fields such as public health, housing, education, cultural heritage, environment, physical planning and quality of life.

C14. The protection of 'diffused interests' can also be carried out, according to present law, by local authorities and other interest groups.

C15. All decisions which do not respect a plan (regional or municipal) or any other planning instrument (provisional norms, priority areas for urban development or approved subdivision scheme) are considered as having no value.

Exceptions

C16. All construction activities (including the works which change local topography) require, with few exceptions, authorisation from the local

authority. The exceptions are minor repair or conservation works which do not introduce any change on the materials, structure and shape of the buildings, and those works that are the responsibility of either the local or the central administration. The latter does require a 'statement' from the local authority which, however, is not binding.

Enforcement procedures

C17. The local authority has the responsibility for surveillance of construction activity in the municipality. It can apply fines and stop the construction works and even issue demolition orders. The MPAT (from 1996 MEPAT) (Ministry of Planning and Territorial Administration) is also invested with the power of ordering demolition when an effective plan is not being respected. These powers are, however, seldom used, except when *clandestinos* (illegal housing) occupy sensitive environmental areas, or the construction of a particular building clearly does not respect licensing conditions.

Other permits

Lei dos Loteamentos (Land Subdivision Law)

C18. The *Lei dos Loteamentos* (Land Subdivision Law), Law Decree 448/91, 29 December, concerns private urban development initiatives. The law regulates the subdivision of private property into smaller plots for building purposes ('*loteamento*'). Two different types of permits will be required: the '*loteamento*' permit which approves the way the land is to be subdivided and the '*urbanização*' permit which will allow for site infrastructuring.

C19. The local authority grants both permits. If there is no effective plan it is necessary to consult the CCR (Regional Coordination Commission). The Land Subdivision schemes promoted by the local authorities or central administration departments 'in the pursuit of the public interest' are exempted from these procedures.

C20. The '*Lei dos Loteamentos*' applies to all projects involving the subdivision of property into smaller plots for the purpose of development in

areas designated as 'urban' or for 'urban expansion' as well as in areas for 'industrial' location.

C21. The permits granted under this law have a limited period of validity which is specified in the permit itself. Moreover, they become obsolete if site infrastructuring work has not started within 15 months of the granting of the relevant permit or if such work is suspended for a period longer than 15 months.

C22. The Land Subdivision Law has the following main objectives:

- to provide a regulatory framework to guide private initiatives in the field of urban development, for example the criteria to establish the size of public open space;
- to contribute to the transparency of the public administration in the process of granting permits. To this end, the Law establishes limited periods of time for the different departments to express their views, otherwise a tacit approval is deemed. Moreover, it requires that any refusal to grant a permit should be justified with reference to the existing legislative base; It also establishes the right of the applicant to have access to the existing planning instruments and to know about the stage of development of the decision process. The applicant has the duty to publicise the granting of the permit and to register in a 'building diary' all relevant issues of the construction work;
- to secure the creation and proper maintenance of public open space and infrastructures. To this end, the law establishes mechanisms through which the residents can intervene in the management of public areas and the local authority can impose or promote the creation of infrastructures on behalf of the private interests which are responsible for the development project.

C23. In general, the application for a permit goes through the following stages:

- The application for land subdivision is submitted to the Mayor. The required documentation varies with the planning situation in that area relating to the availability of an effective plan. These requirements are established by Regulatory Decree 63/91, 29 November.
- The application goes through a formal process of verification which may result in the

need for resubmission if some of the relevant information is missing.

- The local authority starts the consultation process with other government departments. A justified refusal from any of these departments may result in the need to resubmit the application. If there is no effective plan in that area, the *CCR* decision is binding, unless the development project is part of an urban area defined by a joint protocol between the municipality and the *CCR*, and ratified by the *MPAT*. If the development project relates to more than 10 hectares or involves the creation of more than 500 dwellings, then the decision of the *CCR* must be ratified by the *MPAT*. The same procedures apply to a local authority initiative if there is no effective plan in the area where the development project is to be located. The decisions of the central administration departments' may be subject to review by hierarchically superior departments.
- A decision is made. Refusal to grant a permit has to be related to one or more of the following reasons: a departure from effective planning instruments (namely plans); overlap with an area subject to a compulsory purchase scheme in the public interest; refusal from one of the consulted government departments; damage caused to existing natural or built patrimony; the proposal constitutes an unacceptable surcharge to the existing urban infrastructures (e.g. roads, sewerage and water system). In this latter situation an agreement can be reached between the private agent and the municipality in order to financially contribute for the infrastructural work required to accommodate the needs of the new project.
- The permit will specify the plots that must be used as public open space or for collective use and where the public equipment and infrastructures will be located. The management of these community infrastructures can be done by the residents themselves following a protocol with the local authority.
- Once the land subdivision scheme is approved, it is necessary to obtain a permit to carry out site infrastructuring. This permit may be backed by a contract between the applicant and the local authority, which clarifies the rights and duties of both parties.

- The initial conditions specified by the permit may be eventually changed to satisfy new demands placed by the applicant. The law establishes different procedures according to the nature and scale of the required changes. In some circumstances, the consent of two thirds of the owners of the existing plots or dwellings is needed. That is the case when a proposal to change the main use of a plot is put forward.
- The local authority cannot grant building permits for individual plots if the site is not (yet) adequately infrastructured.

C24. The Land Subdivision Law is a privileged instrument allowing for the participation of the private sector in the process of urban development.

C25. There are three different types of taxes which the private developer may have to support. The first concerns the costs of *obras de urbanização* (site infrastructuring) which in principle should be supported by the developer. A second type of tax concerns the need for 'public space' (e.g. roads, parking, public open space, public equipment). The developer cedes to the municipality a pre-determined amount of land whenever the local authority judges it appropriate. The calculation of the area to be ceded is made according to parameters expressed in an effective municipal plan or regulated by Portaria 1182/92. Finally, a third type of tax is the municipal one, which basically refers to administrative costs. This tax varies significantly among municipalities but constitutes a minor component of the overall costs of a project. The approach adopted in relation to this tax varies and some municipalities tend not to impose it. There is some variation in the way this tax is calculated, but the total amount tends to be proportional to the amount of floorspace proposed in the planning application.

C26. Responsibility for surveillance is shared by the local authorities, the CCR (regional coordinating commissions) and the DGOT (Directorate General for Spatial Planning) (from 1996 the DGOTDU — see Section B). These institutions exchange information about licensing processes.

C27. The IGAT (General Inspectorate for Territorial Administration) informs the judicial system about decisions which do not conform with the Law and, for this reason, are legally considered as having no effect.

C28. Mayors and the CCRs (regional coordinating commissions) have the power to impose the stoppage of construction work. Mayors and the Minister for Planning and Territorial Administration can order demolition of illegal construction work.

Other permits

C29. In addition to the two main permits mentioned above, there are some specific permits that must be obtained when development projects are related to specific activities. This is the case, when a development project involves industrial activities, tourism or recreation, large-scale commercial activities and quarrying. The granting of these permits does not exempt the project from the main permit, the *Licenciamento Municipal de Obras Públicas* (Municipal Licensing of Private Development).

C30. The licensing of development projects related to tourism (e.g. hotels, restaurants, touristic villages, bars, dancing and other recreational, cultural or sport infrastructures classified as of 'touristic interest') requires the granting of a special permit. The main legislation regulating such a permit is the Regulatory Decree 8/89, of 21 March, as amended by the Declaration of 30 June 1989. The processing of the permit reflects two types of concern, the suitability of the proposed location and the characteristics of the project, in particular in relation to fire safety measures. The Directorate General of Tourism (Ministry of Commerce and Tourism) is responsible for processing the permit, including carrying out consultations with other institutions. The Regulatory Decrees establish a typology (and grading) of tourism projects and specify in great detail the requirements for each type of project.

C31. The licensing of development projects to carry out industrial activity requires a specific permit. The main legislation regulating the processing of such permits are Law Decree 109/91 of 15 March, as amended by Law Decree 282/93 of 17 August, The Regulatory Decree 25/93 of 17 August and the *Portaria* 744-B/93 of 18 August. The *Portaria* enumerates the different types of industrial activity, classifies them into four groups (A to D) according to the risks created for human health, safety and the environment, and establishes the institution responsible for processing the permit (which can be a department within the Ministry of Agriculture for agro-industrial projects or different departments within the Ministry of Industry and Energy, depending on the nature of

the activity). Development projects are classified according to the dominant process they involve. The processing of the permit comprises two main components: the decision on the 'location' of the project, and the local authority will be the responsible institution if there is an effective plan, otherwise, the *CCR* (Regional Coordination Commission) will have the final say; the second component refers to the industrial activity itself. The responsible institution is identified by the above-mentioned *Portaria* 744-B/93. In some situations, regulated by DL 186/90, an environmental impact study may be required.

C32. Large-scale commercial activities are also subject to additional licensing requirements. The legislative support is provided by Law Decree 258/92 of 20 November, which clearly indicates that permission to carry out large-scale commercial projects be ratified by the Ministry of Commerce and Tourism. The 'rationale' is to secure fair competition and a balanced development between different types of commerce, having in mind the structure of commercial organisations in the region and consumers interests, as well as the need to adapt from traditional commercial organisation to meet the needs of a new competitive environment. Large-scale commerce is defined as shopping areas with more than 2 000 square metres of contiguous 'sales floorspaces or 3 000 m² of non-contiguous 'sales floor-space'. The procedures will vary according to the availability of an effective urbanisation or local detailed plan or an approved land subdivision scheme. If none of these exist, then special 'preliminary information' is required, the *CCR* (Regional Coordination Commission) being the responsible institution. If one of these legal instruments is available, then there is no need for the 'preliminary information'.

C33. Once this first stage is satisfied, the planning application is submitted to the local authority to be processed under the framework of the main permit, the *Licenciamento Municipal de Obras Particulares* (municipal licensing of private development). If permission is granted, then the whole process is forwarded to the *Direcção Geral de Concorrência e Preços (DGCP)* (Directorate General for Competitiveness and Prices), a department within the *Ministério do Comércio e Turismo* (Ministry of Commerce and Tourism). The *DGCP* then assesses the application on the basis of its contribution to the modernisation of commercial structure, the consumers' interests and the existing range of consumers services in the area. It can also promote consultations with

other institutions. The *DGCP* is required to issue a final statement, within a given period of time, on the basis of which the Minister takes the final decision regarding the ratification of the project.

C34. Another type of activity that requires a specific permit is that related with quarrying and the extraction of sand (for building purposes). The relevant legislation is Law Decree 89/90 of 16 March. Local authorities are responsible for processing the permit in relation to small-scale activities, measured by the size of the workforce (less than 15 jobs), the power of mechanical equipment (less than 500 horsepower) and the depth of excavation (less than 10 m). In all other situations, the responsibility for processing the permit falls with the *Direcção Geral de Geologia e Minas (DGGM)* (Directorate General for Geology and Mines). The assessment of the application involves consideration of the suitability of the location and technical conditions proposed, safety measures (like the distance to neighbouring buildings), energy infrastructures and distance to specific features of the natural or built environment. The *CCR* (regional Coordination Commission) is always consulted and permission cannot be granted which is contrary to the opinion of the *CCR*. If the location of the project is within a protected area, the *ICN* (Institute for Nature Conservation) takes the role of the *CCR*. When the scale of activity goes beyond a given limit, planning applications must include an environmental impact study.

Departure from plan

C35. An approved plan is an administrative regulation and is legally binding. Any development proposal must conform with the plan. Otherwise, a revision of the plan would be necessary, requiring a set of procedures similar to those which supported its preparation. Minor changes which do not conflict with the land use principles established by the plan may be accepted once relevant institutions and/or departments of central administration issue their agreement and the Municipal Assembly approves such changes.

Area of regulation

C36. There are no such areas in Portugal.

Unauthorised use and development

C37. There is some illegal development in Portugal, designated as *clandestinos*. These are basically either housing initiatives of low income strata, located mainly in the metropolitan areas of Lisbon and Oporto, or second-home phenomena in ecologically appealing areas (e.g. near the seaside). The problem of '*clandestinos*' has recently been significantly reduced in importance. There is at the moment a major national programme involving a partnership between central and local administration aimed at eradicating the problems of poor housing. There are also increasingly strict controls on illegal second-home development. In some cases the owners are pressed to introduce the necessary changes in order to obtain a legal situation. If necessary, enforcing demolition (particularly in environmentally protected areas) is the ultimate measure.

Regulation and development illustrations

Planning application in the framework of the Land Subdivision Law. A housing project ⁽¹⁾

C38. In August 1991, a property owner prepared an urban development project for his land. The total area was just over 0.6 hectare and the proposal was to subdivide it into four smaller plots, two of them for multi-family housing (10 dwellings each) and the other two for one-family housing. The land subdivision scheme was considered 'ordinary' because the plots had direct access to two existing public roads. These roads were undergoing improvement works and, in one of them, through a redesigning phase. The location of the land and the characteristics of the proposed buildings were in line with the specifications of the provisional norms effective for that area. There was no effective *PU* (urban development plan) or *PDM* (municipal director plan). These norms had allocated this area for urban development purposes and had established a 'built up coefficient' of 0.4. This parameter was considered in the preparation of the proposal.

C39. The application was submitted in September 1991 together with all the required documentation. The municipality went through a series of processes verifying the documents, or-

ganising the process of determination, researching previous relevant applications, etc. It was then sent to other institutions for consultation. In this case, given the adequate location characteristics of the land, only the 'infrastructural' services were consulted, namely the *EDP* (Electricity Board) and the *SMAS* (water supply and sewerage services). The application was sent to those services in early October. The *EDP* issued in October 1991 an unfavourable statement requiring some conditions to be met before a favourable answer could be given. The *SMAS* replied in February 1992, establishing the conditions under which a positive answer could be given. By June 1992, the Planning Department of the local authority had prepared a global and formal technical assessment of the application. The technical report raised issues of an 'urban-architectural' nature, focusing also on 'infrastructural' matters. The applicant was required to deliver the 'specialised' projects within 180 days.

C40. In the meantime, contacts with the *DROT/CCR* were established. These contacts were necessary because, as referred to before, there was no effective plan in the area. The meeting between the technical staff of the *DROT/CCR* and the municipality took place in August 1992. The *DROT/CCR* accepted the statement issued by the technical department of the local authority. In September 1992 the Director of the municipal planning department was informed of the *DROT/CCR* decision of acceptance, and the local authority's Executive Council formally approved the technical decision later in October. This decision was made known to the applicant in November 1992. A first 'cycle' in the processing of the application had been completed.

C41. In January 1993, the property owner submitted a new application which took into consideration the suggestions made by the municipality. The proposal was modified and the new version included five plots with single-family housing. The development proposal went through internal verifications within the local authority planning department and by May 1993 a technical report was issued. It raised some detailed but minor issues on building layout and design and also mentioned the consequent increase on the area that should be put under 'collective' use bearing in mind the overall increase in floorspace conveyed by the new proposal. In the meantime, the proposed infrastructure projects were subject to the scrutiny of relevant institutions which basically agreed with the proposal and worked out the costs that the applicant should be made respon-

⁽¹⁾ All information regarding the location of the project/plan is confidential.

sible for. Notice was also given to the *DROT/CCR* about the small increase in the built-up area proposed for development. The Executive Council of the municipality took a formal decision, of accordance, with the technical report in June 1993, and the applicant was given notice of this decision in July. A second cycle was over.

C42. In September 1993 the applicant submitted an addendum to the application in accordance with the formal decision from the local authority. In December 1993 the Technical Department issued a report confirming that the addendum was in conformity with previous decisions made by the municipality. It also included a calculation of the taxes to be paid to the municipality and established the period of validity of the permit. The applicant was informed of such requirements in January 1994 and was given some time to object. In May 1994, the Director of the Planning Department sent, to the responsible Councillor, a definitive proposal regarding the application and the conditions to be conveyed by the permit. In the same month, the Executive took a formal decision backing the proposal from the Planning Department. In July, the applicant was informed of the Executive's decision. Although, by October 1994, the permission to carry out development works had yet to be issued.

Planning application under the Law for Municipal Licensing of Private Development in the framework of an effective land subdivision scheme. A housing development ⁽¹⁾

C43. The planning application referred to a building which would include eight self-contained flats, two spaces for commercial use at the ground-floor level and parking space in the basement. It is located in a *Lote* (plot) that had previously been designated for urban use within the framework of a *Loteamento* (land subdivision scheme). The planning application was submitted in mid-August 1993. In addition to the architectural design of the project, there was specific reference made to the land subdivision scheme to which this application was related, an estimate of the total costs and a time scale for the building work.

C44. The technical department within the municipality went through the process of analysis and verification of the documentation submitted, and organisation of the process of coming to a deci-

sion (e.g. search for previous and relevant applications), etc. The development proposal was sent to several institutions, outside the local authority, whose views must be heard before taking a decision to grant or refuse the permit. These include, for example, the health authorities, Electricity Board, Fire Department, Telecom, the municipal services of water supply and sewerage (which are often autonomous services although working within the municipality umbrella). Some proposals for the 'specialised projects', like electricity and telecommunications systems, were received in mid-October and sent, by the local authority, to the relevant institutions. In the meantime, the development proposal went through several stages of technical analysis within the local authority.

C45. A first technical report on building 'parameters' was issued in mid-November and by the end of the following month another report was prepared. It assessed the characteristics of the development proposal against the conditions laid down by the relevant *Loteamento* (land subdivision scheme). The conclusion was that it basically satisfied the approved criteria for urban development. However, some problems were identified, relating to the *RGEU*. There were insufficient parking spaces in the basement, some ambiguity in a specific design solution (namely the car access to the basement) and finally, a procedural issue, the absence of an 'officially recognised' location map. The technical report also referred to the conditions laid down by the consulted institutions, whose reports had already been received. The report recommends refusal of granting the permit so the development proposal could be reformulated in order to conform with the conditions mentioned above. Less than a week later, the chief planner formally agreed with the report which is then sent to the Councillor in charge of the planning department. The political decision, in accordance with the recommendations, was taken by the end of January. The applicant was formally notified of this decision at the beginning of March.

C46. A revised development proposal was then resubmitted, with changes, in mid March. The proposal was sent to those external institutions whose views on the project may be affected by the changes introduced. In parallel, the project went through a technical analysis within the local authority. By the end of March a technical report was issued. It confirmed that the conditions set in the previous report had been satisfied although some

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minor details had yet to be corrected. The recommendation was, nevertheless, for the granting of planning permission, on the condition that the possible requests from the external institutions yet to be formulated were satisfied and that the 'specialised' projects were also submitted according to the existing legislation. The relevant Councillor accepted this view and took the consequent political decision in mid April. The applicant was formally notified of the decision by the end of May.

C47. Incidentally, the Fire Department issued a report in mid-May with a negative view over the development proposal, based on non-conformity with specific legislation concerning fire prevention. It recommended that changes would have to be introduced into the development proposal. The planning department of the local authority produced a technical report where such a view was endorsed in mid-June and this received political support a few days later. Before the end of June, the applicant was informed of the Fire Department's report and about the need to introduce changes within 30 days. A fortnight later those changes were submitted to the local authority and then sent to the Fire Department. A favourable reply to the modified development proposal was received from the Fire Department soon afterwards.

Planning application under the Law for Municipal Licensing of Private Development with request for preliminary information ⁽¹⁾

C48. This situation involves the request for preliminary information regarding the 'viability' of a change of use of an existing building (from residential to tertiary activities). A bank applied for preliminary information regarding the reconstruction of an existing building located in the historical and main shopping area of the town, changing its use from residential to tertiary activities. The building was old, dating from the beginning of this century, but was not a classified building. The external appearance and overall maintenance conditions were not good and there was a clear need for repair work. The planning proposal aimed to keep the façade as it was but demolish the whole interior and rebuild it according to the requirements of the new use. The proposal also included the intention of adding a new floor. This application was submitted to the municipality in mid-February 1994.

⁽¹⁾ All information regarding the location of the project/plan is confidential.

C49. Towards the end of the same month, a first interim technical statement was issued from a member of the planning department. It acknowledges the existing policy of promoting the residential function in that area of the town, but added that such policy is very difficult to effectively put into practice. It also notes the well-known phenomenon of property owners not being prepared to invest in housing, not even for maintenance work. The end result is the deterioration of housing and building conditions, which also have negative consequences for the urban quality of the place. In this context, the proposal of repairing and preserving the façade is a contribution to upgrading the quality of the local built environment. On the other hand, the intention of adding another floor was assessed negatively, because it did not comply with the *Normas Provisórias* ('provisional norms') which did not allow the enlargement of the number of floors. No problems were raised in relation to the proposed changes to the interior of the building.

C50. The potentially controversial nature of the development proposal is reflected by the fact that another member of the planning department, hierarchically above the one who produced the technical report mentioned above, also issued an opinion about the application. This view, produced one week after the first report, stressed the negative consequences for the central area of the city of the growing process of tertiarisation, particularly the loss of 'public life' during weekends and at night. If a permit was given, it was argued, then one would set a precedent with unforeseeable consequences. Moreover, the policy orientation of the PDM (Municipal Director Plan) runs against this proposal (even though at the time it still had to be formally approved and ratified). The chief planner also issued his own opinion, as usual, although in this case in a much more elaborated statement. He distinguished the issue of adding one more floor with the one of the loss of residential function, expressing the view that the former should be refused but the latter should be accepted, given the expected improvement to the built environment.

C51. The Councillor responsible for planning permissions endorsed the chief planner's view and reinforced the case by arguing that if adequate material is used for rebuilding the interior of the dwelling, then considerable improvements could be made in terms of fire safety to the central area. Fire safety is a particularly sensitive

issue in this part of the town given the dominance of old buildings. The preliminary planning application was then taken to the Executive meeting in mid-March and approved along the lines set by the Councillor politically responsible for private development initiatives. A month later, the applicant was formally informed of the Executive Council's decision.

C52. The actual corresponding planning application was submitted to the local authority at the end of April. It followed the guidelines set by the 'preliminary information' on the viability of the development proposal, the time-scale of the building work, as well as an estimate of the total costs. The architectural project was then submitted for analysis by the planning department and was also sent to other institutions (e.g. Health Authority, Fire Department, Electricity Board, Telecom). The reports from these institutions arrived the following month (June) and no major obstacles were raised although some conditions were established to be followed in specific specialised projects which were to be submitted later.

C53. The planning application was subject to detailed analysis within the local authority, and a technical report was issued in mid-July. This report confirms that the application generally conforms with the guidelines provided by the preliminary information and raised only some points of clarification (e.g. the kind of materials to be used in the reconstruction of the interior of the building). It recommended approval subject to the condition that the applicants submitted the specialised projects according to the directives established by the different institutions which had been consulted. This report was accepted and by the end of July the Councillor approved it. The applicant was then notified of that decision. In early August an application for carrying out building work was made under the condition of submitting the additional information regarding specialised projects within 60 days. In mid-August a technical report was issued, favourable to granting a permit and establishing the amount of municipal tax that the applicant should pay. The Mayor granted the permit in late August. The additional information on specialised projects was eventually submitted in September and building work started in early October.

Planning application under the Law for Municipal Licensing of Private Development with reference to the regulation of industrial activities ⁽¹⁾

C54. This example refers to the licensing of industrial premises for a small textile firm with an anticipated workforce of 20 employees, four of which are administrative staff, and is to be located in a *Zona Industrial (ZI)* (Industrial Zone). The municipality had already prepared a *Plano de Pormenor* (Detailed Local Plan) for the *ZI* in the early 1980s. It had received ministerial approval and was published in the Official Journal so making it effective. For this reason, the planning application was submitted to the municipality.

C55. Nevertheless, prior to the submission of the planning permission for construction works there was the need to license the industrial activity itself. This authorisation process requires all industrial establishments under classes A, B and C to apply for an industrial permit to the *Direcção Regional da Indústria e Energia (DRIE)* (Regional Directorate for Industry and Energy) which is responsible for licensing industrial activities. For licensing processes industries are classified in four categories, A, B, C and D, in accordance with the potential environmental risks associated. Class A includes all major industries, such as chemical plants or pulp and paper industries. Class D includes all small industrial installations, that are exempt from applying for an industrial permit.

C56. The relevant submission was made early in July 1993. The documentation included information on the nature of manufacturing activity, the location and the layout details of the premises. In relation to the industrial activity itself, details were given on intended production capacity, the type and volume of raw materials, other inputs to be used, the types of end products to be manufactured and storage capacity. The type of equipment to be used in production activities was also described, together with information on basic services infrastructure needs, like water supply and sewerage, electricity, telecommunications. The nature, volume and handling of solid waste also received a specific reference. Finally, there was a reference to the estimated cost of the project and the time-scale of construction works. A technical report was issued by the *DRIE* at the end of July. It basically approved the industrial

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proposal, although it explicitly referred for the need to take into account existing and complementary legislation, especially that related to artificial light, noise, air pollution and fire prevention. The report was formally endorsed by *DRIE* in the first days of August.

C57. The granting of the industrial permit allowed the developer to submit a planning application to carry out construction works. This was done in early December 1993. A fortnight later a technical report was produced basically stating that, apart from relatively minor layout details, the development proposal was in accordance with the *ZI* regulation. On 10 January 1994, the Executive Council formally approved the technical report, and by the end of January the applicant was notified of this decision. Two conditions were set: the construction works had to be carried out for a period not longer than 180 days, and the specialised projects had to be submitted to the local authority within 180 days.

C58. The applicant submitted the specialised projects by the end of June. The electricity and telecommunications projects had already been approved by the relevant institutions. The municipal services for water supply and sewerage treatment approved the respective projects by mid-June. The engineer responsible for the project was invited to a meeting with staff from the local authority's technical department to clarify some details on specific specialised projects, which were eventually approved. The Executive Council formally approved the projects by the

end of July and the applicant was informed in mid-August. The planning application had been granted. In September, a building firm, legally certified, applied, on behalf of the developer, for the permit to carry out the construction work. That permit was granted in October and issued by the end of that month with a six-month period of validity (i.e. until the end of April 1995). Construction work is now under way. Before starting to operate, the developer must ensure that the *DRIE* (Regional Directorate of Industry and Energy) visits the premises.

Sources

Law Decree 445/91, as amended by Law 29/92, 5 September; Portaria 143/92, 5 March (concerning the publicity to building permits).

Regulatory Decree 11/92, 16 May, eventually amended by RD 32/92, 28 November and Portaria 245/93 of 4 March (insurance).

Portaria 470/92, 5 June ('building diary').

Law Decree 448/91, 29 December, as amended by Law Decree 25/92, 31 August.

Ancillary legislation: Regulatory Decree 63/91, 29 November (content of planning applications); Portaria 216/92, 20 March, permit publicity.

Portaria 1182/92, 22 December.

D. Agencies and mechanisms for development and conservation

General overview

D1. In the first part of this section the main agencies and mechanisms for the promotion of development are presented. By development mechanisms we consider both plans and programmes with attached financial schemes, in the form of investment commitments or special incentives. The distinction between regional and local economic development agencies is not always very clear and, in the case of Portugal, has to be regarded with some caution. The information included under the final heading on agencies and mechanisms for environmental conservation does not cover all possible aspects. The obvious links of most environmental protection policies with the planning system justified the choice of including most of the relevant information in Section B.

Development

Regional economic development

Direcção Geral do Desenvolvimento Regional (DGDR) (Directorate-General for Regional Development)

D2. The DGDR (see Decree Law 130/86, of 7 June and Regulatory Decree 31/92, of 24 November) is a national department of the *Ministério do Planeamento e da Administração do Território (MPAT)* (Ministry of Planning and Territorial Ad-

ministration — now the *MEPAT*) in charge of the study and promotion of regional development policies. It coordinates the overall application of Structural Funds (EU) and prepares and follows-up the actions that are partially or totally financed by the *Fundo Europeu de Desenvolvimento Regional (FEDER)* (European Regional Development Fund).

D3. DGDR is responsible for the formulation of regional development policies to be adopted by government, and for the coordination with other sectoral departments of regional policies with economic and social policies. In addition, DGDR monitors the implementation of measures to support economic activities, in particular when they may cause significant territorial impacts.

D4. A major task of DGDR is the formulation of the *Plano de Desenvolvimento Regional (PDR)* (Regional Development Plan) in accordance with the so-called *Grandes Opções do Plano (GOPs)* (National Plan's major objectives) integrating and coordinating the overall application of Community Funds.

D5. DGDR participates in the planning process of most of the relevant actions and investments with regional development significance and oversees the application of ERDF resources.

D6. Finally, this Directorate-General evaluates the operational programmes of investment financed by the Community Support Framework (CSF), and cooperation with national, foreign and international agencies and institutions in the fields of regional development planning.

Plano de Desenvolvimento Regional (PDR)
(Regional Development Plan)

D7. This aims to reflect the overall coordination and linkages between regional development policies and national and community sectoral policies. Particular emphasis is given to the major actions and investment programmes likely to get financial assistance from Structural and Cohesion Funds, as part of the Community Support Framework (CSF).

D8. The overall concept and presentation format of the *PDR* respects Community regulations. It includes a definition of the main regional objectives and strategic development policies that accord with factors of national and international competitiveness, selected intervention areas, a choice of policy instruments and the allocation of financial resources bearing in mind the principle of additionality and the overall macro-economic range of impacts.

D9. The institutional arrangements for management, monitoring, evaluation and follow-up of all actions and investment programmes are also defined in the *PDR*. The document also provides a perspective on the evolution of the national economy within international macro-economic scenarios, stressing the need to make compatible as far as possible nominal convergence with real convergence.

Comissões de Coordenação Regional (CCRs)
(regional coordination commissions)

D10. The role and importance of the *CCRs* in the Portuguese physical planning system has already been addressed in Section A (Government structure and powers).

Programas Operacionais (POs)
(operational programmes)

D11. As far as regional development is concerned the *CCRs* have a consultative role in the implementation of *Programas Operacionais (POs)* (operational programmes) which are pluriannual investment programmes of a national and sectoral nature included in the *PDR*.

D12. The role of the *CCRs* is, however, particularly important in the preparation, management

and implementation of the plurisectoral and spatially oriented regional *PO* (regional operational programme). These are prepared for the particular planning region within which they operate. There are five planning regions on the mainland of Portugal, plus two autonomous regions for the islands of Madeira and Azores (see Section A on Government structure and powers).

Gabinetes de Apoio Técnico (GATs) (Offices of Technical Support)

D13. The *GATs* are decentralised services of the *CCRs* designed to provide technical assistance to groupings of local authorities (see Law 10/80, of 19 June). They have a technical consultative role, and are responsible for surveying and identifying the needs felt by local authorities for municipal services, infrastructures, public equipment, etc. They are often called to prepare infrastructure projects of municipal or inter-municipal interest.

D14. As far as *GATs'* funding is concerned, central government (*MPAT-CCRs*) supports the costs of logistics and salaries, whereas local authorities participate in *GATs'* running expenses.

Local economic development

Municípios (local authorities)

D15. By law, the *Municípios* have the following responsibilities/functions: administration of public goods and property; local development; water supply and sanitation; public health; education — infant, primary and (partially) secondary levels; child and elderly assistance; culture, leisure and sport; protection and enhancement of the natural environment; promotion of the quality of life; and civil protection.

D16. Local authorities have extensive and wide responsibilities as far as the planning system is concerned. They are responsible for the preparation and approval of all the different types of municipal plans — *PDMs* (Municipal Director plans); *PUs* (urban development plans) and *PPs* (detailed local plans) (see Sections A and B). In practice, the vast majority of Portuguese local authorities plays a central and important role in local development initiatives, attracting private investments and promoting infrastructural projects.

D17. Municipal funding is defined in the so-called *Lei das Finanças Locais* (Law of Local Finances — Law 1/87 of 6 January) which specifies the types of taxes and revenues to be collected (e.g. property taxes, road vehicle taxes, fire brigade services, tourism and transport taxes, etc.). The municipalities' budgets are supplemented by particular transfers from the national budget, the so-called '*Fundo de Equilíbrio Financeiro*' (Financial Equilibrium Fund). This is a fund aimed at balancing the financial situation of each municipality, in accordance with a large number of variables such as population or the capacity to generate their own sources of financial support (largely dependent upon the level of local economic activity).

Associações de Municípios (municipal associations)

D18. Municipal associations are public bodies created by the association of two or more municipalities with common interests in a particular subject/issue requiring common actions/policies (see Decree Law 412/89, of 29 November). The commonly agreed objectives vary with each case but must be within the normal responsibilities allocated to local authorities.

D19. The *Associações de Municípios* (municipal associations) are financially supported by municipal taxes and revenues, bank loans and special paid services they may provide to the community. In addition, municipal associations can also benefit from financial transfers from central government. These are a matter of specific legislation — the *Lei das Finanças Locais* (Law of the Local Finances).

Áreas Metropolitanas (AMs) (metropolitan areas)

D20. Metropolitan areas are an emerging supra-municipal level of intervention headed by a *Junta* (see Law 44/91 of 8 August)

D21. AMs (metropolitan areas) have been created for Greater Lisbon and for Greater Oporto. They include the central and the surrounding municipalities, they coordinate municipal investments and provide specific supramunicipal services in areas where the municipal provision is bound to be limited, inefficient or insufficient to deal with issues of wider metropolitan scope.

D22. Each metropolitan *Junta* has also the responsibility to participate in the *Comissões de Acompanhamento* (accompanying commissions) established for the preparation of municipal and metropolitan physical plans. It has a consultative role regarding investment proposals from central government, or finance from Community Funds which have metropolitan significance. In practice, however, these are still young agencies and have a relatively modest role in local economic development, particularly when compared to the local authorities within their boundaries. Indeed, at present, these agencies have limited technical and financial resources to manage, being essentially political bodies for discussion of strategic development issues of a metropolitan dimension.

D23. AMs (metropolitan areas) are financially supported by transfers from the national budget and from municipal budgets, as well as from taxes and revenues and from paid services provided to the community.

Contratos-Programa (CPs) (contract-agreements)

D24. Contract-agreements are designed to incorporate initiatives of technical and financial co-operation between central government and local authorities for regional development, coastal zone development and conservation, etc., or whenever intermunicipal cooperation is needed in the pursuit of common development objectives.

D25. CPs (contract-agreements) can have a sectoral or plurisectoral nature. In the first case it is a municipal initiative, whereas in the second case the initiative has to come from the respective CCR. In the Autonomous Regions of Madeira and Azores they have to be submitted to the *Assembleias Regionais* (regional assemblies). CPs (contract-agreements) can be signed by municipalities or associations of municipalities.

D26. The types of investment covered by CPs, a frequently used instrument in recent years, are as follows: basic sanitation, environment and natural resources, transport infrastructures and communication equipments, culture, leisure and sport, education, civil protection and housing.

Urban regeneration

D27. Urban regeneration in Portugal focuses on housing renewal. There are many different organ-

isations and agencies that have specific responsibilities in this field. These include:

Instituto Nacional de Habitação (INH) (National Housing Institute)

D28. *INH* is a public sector institute with administrative and financial autonomy. It has housing management responsibilities and a financial supporting role for housing matters, which is a State competence.

D29. More precisely, the *INH* is responsible for the formulation of housing policies, the preparation of the *Plano Nacional de Habitação* (National Housing Plan) and Investment Programme, and supporting housing development initiatives from a financial and technical point of view.

D30. The fundamental role of the institute is translated in the concession of special loans at low interest rates, participating also in housing promotion programmes, signing contract agreements, and integrating special societies for housing development. *INH*'s funds come from the national budget, from bank loans and from paid services provided. Only in recent years can the *INH*'s intervention be associated with urban regeneration projects. Traditionally, most *INH*'s funds had been applied directly or indirectly in the construction of new housing estates.

Instituto de Gestão e Alienação do Património Habitacional do Estado (IGAPHE) (Institute of State Housing Management)

D31. *IGAPHE* is a national public sector institute with administrative and financial autonomy with regional delegations in Lisbon, Oporto, Coimbra and Évora.

D32. *IGAPHE*'s main objective is the progressive reduction of the State housing stock, by selling it off under favourable conditions. Families living in *IGAPHE*'s rented accommodation are the target group, although other families can also be considered.

D33. *IGAPHE* is also responsible for the administration of State grants to housing programmes, the definition of policies for social housing renting and for management of the existing stock, particularly where conservation, infrastructure and equipment issues are concerned. Apart from the

collection of rents and the product of house sales, *IGAPHE* also receives some funds from the National Budget.

Gabinetes Técnicos Locais (GTLs) (local technical offices)

D34. *GTLs* have been established in a significant number of local authorities and are responsible for the preparation of rehabilitation projects for common and public spaces, the repair of buildings and respective supervised construction work. *GTLs* operate under close coordination with the local authorities.

D35. *GTLs* prepare and submit proposals to local authorities for temporary or definitive rehousing of families whose houses are considered for rehabilitation. These local bodies are also expected to provide information to owner occupiers in order to promote repairs and reconstruction work and/or help them gain access to special credit lines and bank loans.

D36. Finally, *GTLs* have a consultative role in the appraisal of the utilisation of common or public spaces and buildings' uses and functions. *GTLs* are financially supported by central government through *DGOT*'s budget, by local authorities and by revenues raised by the provision of services to the local community.

Programa Especial de Realojamento nas Áreas Metropolitanas (Metropolitan Areas' Special Rehousing Programme)

D37. The main objective of this programme is to put an end to shanty and overcrowded housing conditions in the metropolitan areas of Lisbon and Oporto. This programme is partially funded by the *IGAPHE* — a State institute with management responsibilities over public sector housing stock — and by the *INH* (National Institute for Housing), sometimes complemented by loans available on special credit lines. This programme consists mainly in providing special financial conditions to cover the costs of site acquisition and infrastructuring, construction of new housing or acquisition of old buildings to rehouse people living in shanties, by local authorities and/or non-profit associations. *IGAPHE* covers 50 % of the costs of the programme, and there are special loans provided by *INH* to local authorities as for the remaining 50 %.

D38. The PRAUD is run by the DGOT (Directorate General for Physical Planning) (from 1996 the DGOTDU — see Section B). Programme applications are submitted by the local authorities. The programme is intended to provide financial support to local authorities to carry out studies and works of regeneration in declining urban areas. Subsidies cannot exceed 20 % of the total construction costs. PRAUD provides support for preparatory studies, which is often to cover the installation of a GTL, especially when a local authority has no technical or financial resources to prepare and manage a regeneration programme.

D39. PRAUD is financed through the DGOT (Directorate General for Physical Planning — a national administration). PRAUD contracts are signed by DGOT, the CCR (Regional Coordination Commission) and the local authority. CCRs oversee the implementation progress of the programmes.

Regime Especial de Comparticipação na Recuperação de Imóveis Arrendados (RECRIA) (special financial scheme for the rehabilitation of rented property)

D40. RECRIA deals with the construction work for the conservation and rehabilitation of old buildings in poor condition. RECRIA applications are restricted to owners or occupiers of rented property who, through the 1985 rent control legislation, are subject to extraordinary correction of rent values. RECRIA is intended to provide subsidies to cover part of the increases in rent values as a result of the application of the new legislation.

D41. RECRIA's funds come from the national administration through the IGAPHE (Institute of State Housing Management) and from local authorities.

Áreas de Desenvolvimento Urbano Prioritário (ADUPs) (priority areas for urban development) and *Áreas de Construção Prioritária (ACPs)* (priority areas for building purposes)

D42. The ADUPs (priority areas for urban development) and the ACPs (priority areas for building

purposes) aim to promote land market dynamics in order to increase the supply of land for urban development.

D43. The municipalities have the responsibility of defining geographically the ADUPs, which require the approval of the *Assembleia Municipal* (Municipal Assembly). When there is no effective plan, their delimitation must be approved by central government.

D44. The law has a national incidence. According to DL 152/82, ADUPs are compulsory for all the municipalities with more than 30 000 inhabitants and the ACPs for all settlements with 2 500 inhabitants or more.

D45. The objectives are to increase the supply of land for urban development by inducing property owners to start the urbanisation process. The ADUPs have a five year time horizon, bearing in mind population projections, while the ACPs have an immediate use of the land for building purposes in mind. Their geographical delimitation should take into consideration the potential supply of land for urban development, namely sites already infrastructured and *Loteamentos* (land subdivision schemes) already approved as well as public land either from central or local administration.

D46. In order to analyse and assess the preparation of proposals by the municipalities for ADUPs and ACPs, there is a *Comissão de Acompanhamento* (accompanying commission) with representatives from the relevant CCR (Regional Coordination Commission), the DGOT (Directorate General for Physical Planning), the JAE (the Roads Authority), and the IEADR (Institute for Agrarian Structures and Rural Development).

D47. The property owners also have the opportunity to participate in the process of preparation of the proposals. They are supposed to suggest solutions and make alternative proposals. Their participation is to take place within a period of time established by the municipality, but before the submission of the final proposal.

D48. Once the ADUP or ACP is designated, property owners must choose between taking the initiative to make land available for urban development (individually or in association with the municipality/third parties) or allowing the municipality to take the initiative of promoting the (ur-

ban) development of the site. In the latter situation, the Law establishes the criteria to guide the compensation payment to property owners. The law also establishes time limits to the whole process; (i) for property owners to present the declaration about their final option, and then to submit building projects; (ii) for the municipalities to prepare detailed plans and to approve the private plans submitted under these schemes. The licensing of land subdivision schemes within effective *ADUPs* or *ACPs* does not require approval from central administration.

D49. The central administration is supposed to provide technical support if required by the municipality. However, in practice, the legislation concerning *ADUPs* and *ACPs* has not yet been widely used in Portugal.

Public sector development policies

D50. Despite the broad scope of this section, one agency only — related to industrial development — which cannot be properly integrated in the following sections, is included. They are more specific in nature and include public sector institutions and mechanisms, related to major infrastructures, tourism development or rural development promotion.

Direcção Geral da Indústria e Energia (DGIE)
(Directorate General for Industry and Energy)

D51. *DGIE* is a department of the *Ministério da Indústria e Energia* (Ministry of Industry and Energy) with administrative autonomy and in charge of the study, formulation and implementation of industrial policies. This central department is responsible for the preparation of legislation and regulations to be applied to all industrial activities and oversees its enforcement.

D52. *DGIE* also cooperates with other central administration departments in the preparation of codes, regulatory standards and technical specifications of industrial installations and products. *DGIE* aims to contribute to the development and modernisation of Portuguese industry vis-à-vis international competitiveness. It also plays an important role in the promotion of industrial restructuring in line with new markets and production processes. *DGIE* is also responsible for ensuring adequate coordination between the implementation of the *PROT* (Regional Development Plan) with industrial policies.

Major infrastructure

Ministério das Obras Públicas, Transportes e Comunicações (MOPTC) (Ministry of Public Works, Transport and Communications) (from 1996 this is *MEPAT*)

D53. *MOPTC* is the central government Ministry in charge of the definition and implementation of national policies on public works, civil engineering, housing, transport (air, water, road and rail), communication and telecommunication, as well as the coordination of all actions among and within these sectors.

D54. The Ministry promotes the management of roads, railways, airports, ports and harbours infrastructures, coordinating the role and concurrence of different modes of transport, as well as between transport firms and enterprises.

D55. *MOPTC* promotes housing through special support provided to local authorities, housing associations (*cooperatives*), and other entrepreneurial initiatives for the provision of rented or owner-occupier accommodation.

D56. *MOPTC* manages the radioelectric spectrum and promotes the adoption of technical norms and regulations for the public use of telecommunications and the development and optimisation of traditional and advanced communications services. Under the Ministerial umbrella operates a large number of departments (see Annex).

Direcção Geral dos Transportes Terrestres (DGTT) (Directorate General for Terrestrial Transport)

D57. *DGTT* is the planning and management department of the central administration in charge of the terrestrial transport system, with promotion, coordination, control, supervision and enforcement duties, as well as policy definition responsibilities. *DGTT*, a national department with some services operating at regional level, prepares national and regional transport plans, being responsible for their overall coordination. *DGTT* regulates the transport market, defining rules and standards, organisation criteria and the access conditions to the market for private entrepreneurs.

D58. JAE is a public service with autonomous administration and financing, subject to the political and administrative framework of the *MOPTC*. JAE's main objective is the provision and maintenance of all the main road system infrastructure in the country. It is a national agency, with regional and subregional (district level) delegations, responsible for all construction works, conservation and maintenance works in the main road system, as well as the preparation of road plans and projects. The implementation of the *Plano Rodoviário Nacional (PRN)* (National Road Plan) is JAE's responsibility.

D59. JAE is also responsible for the licensing of all constructions bordering the main national road system, within a variable distance in accordance with the type of road considered. JAE's funds come from the national budget. Some additional funds are obtained through selling property previously bought for road construction.

D60. According to the Decree Law 380/85 from 26 September, the *PRN* (National Roads Plan) defines the regulatory framework of the national road system. The *PRN* considers two types of road networks: the so-called *Rede Nacional Fundamental* (Fundamental National Network) and the *Rede Nacional Complementar* (Complementary National Network).

D61. The fundamental network includes the most important national roads linking the major urban centres of supradistrict importance, ports, airports and terrestrial frontiers. The complementary network includes the national roads linking the fundamental network to urban centres of supramunicipal but intradistrict importance.

D62. In recent years, there has been a massive investment in the Portuguese road system. This has been responsible for the profound changes in the patterns of overall road accessibility within Portugal. These changes are closely associated with perceived development prospects at local level. Indeed, the planning implications of JAE's transport policies and of the investment priorities adopted in the *PRN* (National Road Plan) are generally recognised as of major importance to the development of large urban centres including the metropolitan areas, as well as the medium and small towns.

D63. Port administrations are public institutions with financial and administrative autonomy in charge of the overall management of major sea-ports. They are responsible for commercial management and for land-use planning and management within the territorial boundaries of their jurisdiction. They also have special development powers over a larger area included in the so-called *Domínio Público Hídrico* ('public water domain'). Port administrations are appointed by the Ministry of the Sea.

D64. Port administrations are, therefore, institutions with planning powers in their own territory. The 'land-use and port expansion plan' constitutes an important land management instrument. These plans have to be closely coordinated with all other land-use plans, namely, the *PDM* (Municipal Director Plan).

D65. Port administrations have licensing responsibilities for proposals affecting the 'public water domain', which covers an area up to 50 m from the seabed or from a navigable river or water course. Besides these planning powers, port administrations have specific responsibilities for the preservation and enhancement of the coastline, such as the maintenance of all coastal defence works.

Partnerships

D66. None.

Tourism development

D67. The *MCT* is the central government department in charge of the formulation and implementation of tourism and internal and external commerce development policies. The *MCT* is also responsible for the promotion of Portugal's tourist resorts, and enforces all the legislation and regulations in the tourism and commercial sectors.

D68. The Ministry of Commerce and Tourism includes several services and departments (see Annex) including the *Direcção Geral do Turismo (DGT)* (Directorate General for Tourism).

D69. DGT is responsible for the study, coordination and execution of the actions and measures included in the national policy framework for tourism development. It is also responsible for defining the touristic component of physical planning, designating and preserving national touristic resources (see D.L. No 155/88 of 29 April and D.L. No 23/84 of 14 January).

D70. DGT prepares the legislative and regulatory support of the different tourist activities, defining and overseeing norms and quality standards. DGT's funding comes from the national budget, complemented with taxes and the product of licences, selling of publications and other services provided.

Rural development

Instituto de Estruturas Agrárias e Desenvolvimento Rural (IEADR) (Institute of the Agrarian Structures and Rural Development)

D71. This is the main agency for promoting rural development (see Section B).

Special agencies

Parque EXPO 98, SA

D72. The main objective of the *Parque Expo*, a private agency with State intervention, is the organisation of the International Exhibition for Lisbon in 1998, including all the urban planning activities in the selected site, under special purpose legislation (see D.L. No 88/93). The inclusion of the *Parque Expo* is justified given the extensive urban regeneration that is being sought in one of the most deprived areas of Lisbon.

Protection of the environment/conservation

D73. Some of the most important environment and countryside conservation agencies have already been introduced in Section A, and further detailed in Section B. This has been the case with the presentation and description of the *MARN*, (Ministry of Environment and Natural Resources) (from 1996 the Ministry of Environment (MA)) and of several departments included in the *MARN*, such as the *DGA* (Directorate-General for the En-

vironment), the *DRARNs* (the corresponding Regional Directorates), or the *ICN* (National Institute for Conservation).

D74. Similarly, the most important environment policy instruments and mechanisms have already been referred to before (e.g. the *REN* (National Ecological Reserve), or the network of protected areas for nature conservation). The following paragraphs have to be regarded as essentially complementary information to that provided in Section B.

Countryside conservation

Instituto de Conservação da Natureza (ICN)
(National Institute for Conservation)

D75. (See Section B).

Environmental conservation

Instituto de Promoção Ambiental (IPAMB)
(Institute for the Promotion of the Environment)

D76. The *IPAMB* is another institute working under the umbrella of the *MARN* and dealing with training, environmental information and public awareness and support to ecological groups (NGOs).

D77. The *IPAMB* is in charge, together with local authorities and other public and private agencies, of developing environmental education programmes in order to raise public awareness with regard to environmental problems. *IPAMB* is mainly financed through the national budget, which is complemented with the selling of publications and services, and subsidies from public and private organisations.

Rede Nacional de Áreas Protegidas (RNAP)
(National Network of Protected Areas)

D78. (See Section B).

Coastal planning

Planos de Ordenamento da Orla Costeira (POOCs) (physical plans for the coastal zone)

Decree Law 309/93, 2 September

D79. The *POOCs* (physical plans for the coastal zone) are sectoral plans which define use conditions, access restrictions and dominant land uses in the 'coastal zone' as well as the location of the main infrastructures which support such uses in those areas.

D80. The 'coastal zone' is defined as a strip of land adjacent to either coastal sea waters or 'interior waters' (lakes, water reservoirs, etc.). The precise delimitation of the boundaries of this strip of land is to be defined in each individual *POOC*, but it should not go beyond 500 m from the 'sea line' and the bathymetric — 30.

D81. The *INAG* (Water Institute), (or the Port Authority in the autonomous regions of Azores and Madeira) is responsible for the preparation of the *POOC*. The *INAG* submits the *POOC* to the Ministry of the Environment and Natural Resources to be eventually approved and published in the Official Journal by a joint *Portaria* between the Ministries of National Defence, Planning and Territorial Administration, Commerce and Tourism and Environment and Natural Resources.

D82. The aims of the *POOC* are to preserve the coastal zone and to discipline the development of activities which take place in that area. More specifically, the *POOC* aims to:

- promote an adequate zoning of uses and activities which tend to take place in coastal areas;
- qualify beaches and to regulate their use;
- protect and enhance those beaches considered as strategic from an environmental or touristic perspective;
- guide the development of activities specific of the coastal areas;
- contribute to nature protection and conservation.

D83. The *POOCs* are administrative regulations, i.e. they have a binding character.

D84. Preparation of the *POOC* is due to take place within two years from the date of publication in the Official Journal of the relevant legislation (i.e. DL 309/93). A *Comissão de Acompanhamento* (technical accompanying commission) must be created before starting the preparation of the *POOC*. This Commission will be constituted

by representatives of the relevant *DRARN* (Regional Directorate for the Environment and Natural Resources), *CCR* (Regional Coordination Commission), *DGT* (Directorate General for Tourism), *DGM* (Directorate General for the Navy), *DGPTM* (Directorate General for the Harbours and Maritime Transport) and a representative of each of the municipalities involved in the *POOC's* area of incidence. In the autonomous regions of Azores and Madeira the Commission has a different composition. The Commission not only accompanies the preparation of the *POOC*, but is also required to issue an opinion after the conclusion of the *POOC*.

D85. After the Commission's opinion, the *INAG* is responsible for opening a period of public enquiry which will last for at least 30 days. The *INAG* must give consideration to the results of the public enquiry before submitting the *POOC* to the *MARN*.

D86. The responsibility of monitoring is shared by the maritime authority, the municipalities, the *INAG*, the National Guard and other police authorities. The *INAG*, or the Captain of the Harbour in the autonomous regions, is invested with the power of issuing fines and other sanctions.

D87. The *POOC* should be compatible with other effective regional and municipal plans. The preparation of *PDMs* (municipal land-use plans) must be consistent with the *POOC* proposals.

D88. When the area of the *POOC* is within a protected area for environmental reasons, then the responsibilities of the *INAG* are transferred to the *ICN* (Institute of Nature Conservation).

D89. When there is neither a *POOC* nor an effective municipal land-use plan, the licensing procedures in a coastal zone require a favourable decision of the relevant *DRARN* (Regional Directorate for the Environment and Natural Resources).

Urban conservation

Instituto Português do Património Arquitectónico e Arqueológico (IPPAR) (Portuguese Institute for the Architectural and Archaeological Heritage)

D90. (See Section B).

Preservation and conservation of historic buildings

Instituto Português do Património Arquitectónico e Arqueológico (IPPAR) (Portuguese Institute for the Architectural and Archaeological Heritage)

D91. (See Section B).

Resource planning

Instituto da Água (INAG) (Water Institute)

D92. The INAG is responsible for the formulation and implementation of water resources and sanitation policies at national level.

D93. The institute develops information systems about the needs and stocks of water resources, promotes its conservation and quality and plans its use by water basin and on the coastline. The INAG is financed by the national budget with complementary sources of financial support coming from taxes and loans.

Planos de Bacia Hidrográfica (water basin plans)
DL 45/94 of 22 February

D94. These plans are water resources management instruments. Their main objectives are the enhancement, protection and balanced management of water resources. They must take into account the need to satisfy different requirements, the qualitative and quantitative preservation of resources, the coordination of water management with regional planning, land-use planning and environmental protection. These plans also seek to involve participation from all agents and institutions implicated in water use and consumption. They cover the water basin areas of the main Portuguese rivers.

D95. These plans are prepared by the DRARNs (see Section B) with the exception of those for the international rivers of Minho, Douro, Tagus and Guadiana, in which case the responsibility for their preparation is with the INAG (see Section D). The final approval is, however, a governmental responsibility.

D96. Water basin plans include the following documents: survey report, the proposal of measures and actions (a policy document) and a cor-

responding physical, financial and institutional programming. These plans set up a classification of water courses based on use functions. They specify measures to protect the hydrographic network (superficial waters) and the ground waters, as well as the areas subject to special planning and protection status. These plans also include inter-municipal projects of a hydraulic or sanitation nature and also flood control projects.

D97. Water basin plans have to be proposed and approved within two years from the publication date of Decree Law 45/94. They are in force for a period that cannot exceed eight years and have to be revised within a six-year period. The measures and actions included in these plans have to be incorporated in land-use plans such as the PDM (see Section B) and the PROT (see Section B). The management of the water basin and the follow-up of the preparation of the *Plano de Bacia Hidrográfica* (Water Basin Plan) is the responsibility of the so-called *Conselho de Bacia* (Basin Council). This council is headed by the Regional Director for the Environment and Natural Resources or, in the cases of international rivers, by the President of INAG, and includes representatives of a number of Ministries, usually the MARN (see Section B), the MPAT (see Section B), the Ministry of Industry and Energy, the Ministry of Health, the Ministry of the Sea and the Ministry of Commerce and Tourism Development, and of other institutions and sectors of water uses such as the National Association of Municipalities or environmental NGOs.

Plano Nacional da Água (PNA) (National Water Plan)
DL 45/94 of 22 February

D98. The PNA (National Water Plan) is an instrument of water resources planning aimed at integrating and coordinating policies and measures to be included in each and every Water Basin Plan. With similar objectives, namely the protection of the national use of water resources, the preparation of these two types of plans is intended to run in parallel to make it possible and easier for more coherent diagnosis, and the establishment of priorities for intervention.

D99. The INAG is responsible for the preparation and implementation of the PNA which contains a survey report, a policy document and a programme of actions including physical, financial

and institutional aspects. The *PNA* is expected to coordinate and make compatible the different water basin plans, making explicit national options and defining projects of national relevance. The *PNA* is expected to address all questions of water transfer between water basins and the coordination with Spain with regard to water resources planning and management systems affecting international rivers.

D100. The *PNA* has to be prepared within three years of the publication of the DL 45/94. It is a plan that cannot be in force for a period that exceeds 10 years and has to be subject to revision within eight years. All policies and measures in-

cluded in the *PNA* have to be reflected and incorporated in *PDMs* and *PROTs*.

D101. The *Conselho Nacional da Água* (National Water Council), is headed by the Ministry of Environment and Natural Resources and has the responsibility of following up all the plan preparation process. The Council is made up of representatives of a number of Ministries — *MARN*, *MPAT*, Ministry of Industry and Energy, Ministry of Agriculture, Ministry of Defence, Ministry of Health, Ministry of Commerce and Tourism Development and Ministry of the Sea — and of the *Associação Nacional dos Municípios* (National Association of Municipalities).

E. Overview of key priorities and policies

E1. The key priorities in terms of the social and economic development policy in Portugal can be grouped under six main policy issues around which 'structural policy interventions' are designed. These are (i) economic growth, (ii) competitiveness, (iii) employment, (iv) human resources, (v) quality of life and, (vi) regional development disparities.

E2. In what concerns economic growth, the main goal is to reduce the development differential between Portugal and the other European Union Member States. To that end, a major policy objective is to increase the level and the diversification of export trade as well as to encourage the involvement of a wider range of economic agents on that activity. Secondly, it aims to promote private investment in productive activities with the support of public investment on public infrastructures. Thirdly, to promote the growth of the service sector both in what concerns the activities geared towards the internal market, namely the 'productive services' sector, and the activities more directly related with external markets, like tourism.

E3. There is a wide range of policy instruments to be used under this type of 'structural policy intervention', articulating those aiming at the promotion of structural change with others of a more conjectural nature. The latter situation is illustrated by a policy concern with budget discipline and the stability of exchange rates. The former is illustrated, for instance, with policies to increase flexibility and efficiency of both labour and capital markets as well as the continuation of the privatisation programmes. A third type of instrument is related with public investment on infrastructures and other programmes, namely those contributing to better quality of life in congested

urban areas. A fourth policy instrument concerns the qualification of the labour force, namely through education, training and research and development. A fifth policy instrument is concerned with public administration aiming at improving efficiency levels.

E4. The second main area of 'structural policy intervention' is the concern with competitiveness in a new context of 'open economy'. It is considered as inevitable that some economic sectors will see their size adjusted to the new competitive context, namely those that emerged in a protectionist environment, or that were formerly heavily subsidised by the State or even those finding difficulties to adapt to the international markets. These processes of 'redimensioning' and 'adjustment' of some economic sectors are seen as necessary in order to promote a more efficient use of resources and productive factors. In parallel, those sectors which are able to benefit from the opening of new markets represent an opportunity to absorb the resources that will be freed following the 'redimensioning' process mentioned above. Consequently, there is a policy to promote the restructuring of the productive fabric in order to expand the supportive basis of the economy.

E5. In order to take advantage of the 'new' international markets, four different strands of policy are being adopted. The first concerns the economic sectors that have been traditionally oriented towards foreign markets. The aim is to diversify products and markets as well as enhancing the competitive position of firms by introducing organisational and technological change in the production and commercialisation processes. The second policy strand is centred on sectors traditionally oriented to internal markets which will

be encouraged to look to external opportunities. A third strand concerns a policy to attract international investment initiatives with potentialities to incorporate national production, i.e. which can be tied up to local (national) production capacities. The fourth policy strand concerns the support to the development of service activities linked to the enhancement of the competitive position of Portuguese firms in external markets.

E6. The strengthening of the competitive position of a spatially peripheral economy is seen as requiring, *inter alia*, a major effort in improving accessibility levels. There is, therefore specific policy concern with public investment on physical infrastructures with a multisectoral impact. That involves not only intra-national road and rail accessibility but also the transnational European network. Maritime transport, telecommunications and energy (the gas pipeline) are also targeted under this policy area.

E7. The third 'structural policy intervention' is related with employment. It is recognised that the process of redimensioning of some sectors will create unemployment not all of which will be absorbed, at least immediately, by the expanding sectors of the economy. In addition to the policy of promoting private investment and the programme of public infrastructural investment, the State intends to take a group of initiatives aiming at facilitating a socially useful occupation of labour resources. Those initiatives include, for instance, retraining programmes and support to 'local development initiatives' targeted to micro and small firms of crafts and local services oriented to both social aim infancy and third-aged related services) or to the preservation of the 'collective memory' — the built and cultural heritage).

E8. The fourth 'structural policy intervention' concerns specifically the qualification of labour resources. The investment in 'human capital' is regarded as strategic in order to promote diversification and modernisation of economic activities on a sustainable basis. Three main concerns are spelled out. The first relates to the basic qualifications of the active population having in mind the growing requirements imposed by the new forms of production. Secondly, there is a concern with the technological and management qualification of the 'intermediate' level of professionals. Thirdly, there is a concern with higher education and research activities and their link with economic activities to facilitate the diffusion of new

technology as well as new organisational and management methods.

E9. A fifth 'structural policy intervention' is mainly geared to levels of quality of life in the main urban areas and particularly in the two metropolitan areas of Lisbon and Oporto. The aim is to intervene in specific policy areas where problems are particularly significant and have been gaining expression for some time, namely in the last decade. There are basically four main policy areas. The first is related with transport. The policy objectives are not only to improve suburban links but also to avoid congestion and ameliorate the problem of parking. The second policy area is related with 'environmental infrastructure', namely to reinforce water supply systems, sewerage treatment and waste collection and disposal. A third policy area is related with health services. It aims to support the construction of hospital or health centres in the more densely populated suburban areas where such services are underprovided. The fourth policy area is related with housing as well as social exclusion problems. The aim is to eliminate slums as much as possible, to act selectively in some degraded areas and to take, in parallel with these interventions, some initiatives on training and employment creation which can help to fight social exclusion.

E10. Finally, there is a 'structural policy intervention' aimed at the development of the more interior areas of Portugal in order to reduce the long-standing process of demographic decline. Several types of intervention are identified. A first concern is with accessibility levels, that is with road networks and also with telecommunications. A second concern is to explore the new development opportunities opened by the common agricultural policy (CAP) reform, that is to say in what concerns forest-related activities and non-conventional agricultural products. Thirdly, investment initiatives in the interior areas will be eligible to additional support from Government incentives and in fact a specific Regional Incentive System (SIR) will be created for the interior areas. A further measure concerns the support for tourism development in rural and interior areas as well as different types of local development initiatives. The support to medium-sized urban centres is another measure which is mentioned in this context. This support will be implemented through funding of economic as well as cultural and sport infrastructures and of policies to preserve the local built and cultural heritage and to promote the

activities which are associated with such heritage. Finally, it is also anticipated that support will be given to specific situations like joint initiatives in border regions or in cases of major difficulties experienced as a result of current structural adjustment processes, the Alentejo region and the Ave Valley.

A global planning approach

E11. The social and economic development policy in Portugal is based on what is termed as the 'three strategic options' defined in the Medium Term Plan prepared by the Portuguese Government. They are (i) 'to prepare Portugal for the new European context', (ii) 'to prepare Portugal to compete in a global economy' and, (iii) 'to prepare Portugal for enhanced levels of quality of life'. These 'strategic options' are framed having in mind, on the one hand, the overall trends in the international scene and, on the other hand, on what are seen as the main problems, strengths and opportunities for the Portuguese economy and society. They provided the framework against which the Portuguese Regional Development Plan was drawn and the consequent 1994/99 Community support framework eventually agreed with the European Commission.

E12. The three 'strategic options' are subdivided into a set of policy objectives each of which determined specific lines of policy intervention. The first strategic option, 'to prepare Portugal for a new European context', has three main objectives: (i) to reaffirm Portuguese identity by preserving and promoting Portuguese culture and historical legacy; (ii) to consolidate a defence policy and to secure a role in that matter in the Eu-

ropean and international context; (iii) to contribute to the improvement of the relationships between Europe and other regions of the world and namely those with which Portugal has historical links.

E13. The second 'strategic option', 'to prepare Portugal to compete in a global economy', has four main objectives. The first objective concerns the 'qualification of human resources' giving priority namely to education, training and science and technology development. A second objective is related with the expansion and improvement of transport, energy and telecommunication infrastructures. A third objective is based on the enhancement of the competitive position of the productive fabric. A fourth objective is to reduce regional development disparities within Portugal.

E14. The third 'strategic option', 'to prepare Portugal for enhanced levels of quality of life', has several objectives, four of which are particularly relevant, they are (i) to improve environmental conditions in order to promote sustainable development, (ii) to improve urban quality and to revitalise the housing market in urban areas; (iii) to improve the health care system and redesign social security schemes to fight exclusion and marginalisation; (iv) to reorganise and modernise public administration.

E15. It is in the framework of these options that current policy guidelines are defined. The 'main options' established by the Portuguese Government for 1995, which support the preparation of the budget and were submitted to, and eventually approved by, the Assembly of the Republic, (Law 39-A/94), explicitly relate to that framework. The following section will address different policy areas in the framework of the three strategic options outlined above.

F. Policies

Housing

F1. Housing policy is essentially set within the framework provided by the third medium term strategic option 'to prepare Portugal for enhanced levels of quality of life'. It is often associated with urban rehabilitation and indeed, housing policy has an explicit urban focus.

F2. One can identify four main policy issues: (i) facilitating access to the housing market, (ii) intervening in urban degraded areas, including (illegal) slums, in the two metropolitan areas of Lisbon and Porto, (iii) rehabilitating historical town centres and (iv) promoting a specific prestige project (EXPO 98).

F3. As mentioned above, there is an explicit urban focus on housing policy. The rationale, as expressed in the Regional Development Plan 1994-99, is that most of the population is concentrated in urban areas and most degraded housing is also found in urban areas. Consequently, the two metropolitan areas of Porto and Lisbon are the main focus of policy intervention, which is further reinforced by the fact that EXPO 98 is located in the Lisbon metropolitan area. However, most policy programmes are accessible on a nation-wide basis.

European Union

F4. The influence of the European Union is felt mainly through the financial support provided to various programmes. This is done in accordance with the Community support framework, namely through the European Regional Development Fund.

F5. Community initiatives, like the URBAN programme, also have an impact on housing policy, though on a spatially selective basis.

F6. In what concerns urban rehabilitation, there is also some influence derived from the debate of ideas taking place at supra-national level, as is the case with the Green Paper on the urban environment.

National policies

F7. As outlined above, the main policy strands are concerned with (i) the revitalisation of the housing market in order to improve the access to adequate housing conditions for all the population, (ii) purposeful intervention on urban degraded areas like urban historical centres but also including zones occupied by slums and (iii) a specific intervention in the eastern part of Lisbon surrounding the area where EXPO 98 will take place.

F8. There are two main departments within the Ministry of Public Works, Transport and Communications dealing with housing policy. One is the *Instituto Nacional de Habitação* (National Housing Institute (INH) which is responsible for promoting and providing support to promotional initiatives of social and/or low-cost housing. These initiatives can come from municipalities, cooperatives or even private firms in cooperation with municipalities or non-profit organisations with a commitment to respect specific price limits. On the other hand, the *Instituto de Gestão e Alienação do Património Habitacional do Estado* (IGAPHE (Institute of State Housing Management) is specially concerned with the management of the State's housing stock, with its repair and maintenance work and, in some circumstances, with its sale.

F9. The policy intervention in the housing market is subdivided into four main policy areas. The first concerns accessibility to housing and includes three main policy instruments. One of these instruments is the effort to increase housing promotion through making it attractive, and reinforcing the funds available to establish 'contracts for the development of social housing' (CDHS) either with municipalities, cooperatives or private firms. A second instrument is the concession of low-interest rates for building and buying houses. The third instrument is the improvement of the existing incentive scheme for young people to rent a house (*Incentivo ao Arrendamento por Jovens*) (IAJ).

F10. A second policy area is the intervention on the land market in order to promote social or low-cost housing. According to the *Programa de Habitações Económicas* (Low Cost Housing Programme) (PHE), the INH can acquire or put on the market some land plots below current market prices with the purpose of facilitating low-cost housing programmes. A third policy area is concerned with technical and management support to private building firms, namely some incentives to acquire new equipment or innovative building techniques. Finally, the fourth policy area is the reviewing current regulation of the rent market in order to remove some of the major obstacles to the revitalisation of that market. The policy intervention in degraded urban areas including zones occupied by slums, is regulated by two major programmes, one concerning the metropolitan areas of Lisbon and Oporto (created by Law Decree 163/93, 7 May) and the other concerning all the remaining municipalities and which basically reinforces existing programmes of cooperation between central and local administration in the field of social housing. These programmes allow joint action between Government and local authorities not only in building new dwellings but also in the acquisition of land, infrastructuring and even buying existing houses. Furthermore, it may be possible, in some circumstances, to transfer some housing stock owned by the State to the ownership of local authorities. In addition, it provides support for the municipalities to design and engage in programmes for social integration of the 'displaced' communities.

F11. A more long-standing programme, revised by Law Decree 187/92, 22 September, with similar aims to those mentioned before but without their scope is the *Regime Especial de Participação na Recuperação de Imóveis Degradados* (special regime for cofinancing the rehabili-

tation of degraded buildings) (*RECRIA*) aimed to facilitate maintenance work in rented buildings subject to the 'frozen rent law' and which, for that reason, have been deteriorating in the absence of any repair work. Finally, within this policy strand, it is intended to increase the level of investment in social equipment within social housing areas and, a new support scheme is announced geared towards social and economic development programmes for communities living in urban degraded areas or social housing neighbourhoods.

Regional level

F12. There is no regional level of policy making. The CCRs (regional coordination commissions) can play a role through the preparation of *PROTs* (regional physical plans) which, through land use allocations, can influence the operation of the housing market.

Local level

F13. Local authorities play a major role in the implementation of housing policy in a number of ways. In most situations they must take the initiative and enter a partnership agreement with central administration, under specific programmes. They often become involved in preparing plans under which rehabilitation and housing schemes gain prominence and meet requirements for Government support. Naturally, the preparation of municipal plans and consequent patterns of land use allocation have a bearing on the operation of the housing market, though it may be argued that there are likely to exist rather more influential forces. Local authorities can also apply for Community initiatives, if they meet the specific eligibility requirements of appropriate policy programmes.

F14. The cooperative sector also has a significant social visibility derived from the active role it has been playing in the housing market. In fact, some programmes explicitly consider partnerships between central administration, local authorities and non-profit organisations or even private firms committed to pre-determined price ceilings.

Commerce and services

F15. The commerce and services policy is, like the industrial and tourism policy, a major concern

within the framework of the second medium-term strategic option 'to prepare Portugal to compete in a global economy'. The context is one of enlarged competition as well as enlarged market opportunities. Modernisation and internationalisation are the main objectives steering the design of commerce and services policy, which has two main programmes (Law 39-A/94), one supporting the development of international commerce and service activities by Portuguese firms and the other providing support to the modernisation (for example technological and organisational upgrading) of both firms and supply markets.

F16. There is no specific spatial dimension to the commerce and services policy. Rather, it is basically a sectoral policy whose implementation relies mainly on the initiative of individual firms or entrepreneurial associations and on the involvement of the financial sector and/or sectoral government departments (e.g. industry, commerce). Some policy schemes, however, have a two-fold typology for eligibility criteria, distinguishing between the 'littoral' and the less developed 'interior' areas of mainland Portugal. In addition, some 'special' projects to which policy support may be targeted, have a selective spatial impact (for example animation of historical and urban centres, regional agro-food supply markets).

European Union

F17. The influence of the European Union is felt in several ways. The first one is related with its contribution to the internationalisation of the economy which raises competitive pressures but also opens new market opportunities to Portuguese firms and to the sector as a whole. Secondly, the European Union plays a crucial role in commerce and service policy by financing the policy schemes, namely through the European Regional Development Fund (ERDF). Thirdly, it also plays an indirect role through its own initiatives which may have an impact on commercial and service activities in Portugal. In fact, in the framework of one of the two policy strands that will be mentioned below, there is a programme aiming to facilitate to Portuguese firms access to information regarding relevant EU initiatives which may provide them with new economic opportunities.

National policies

F18. As mentioned above, there are two main strands of commerce and service policy, the first of which aims to promote the development of in-

ternational commerce and service activities by Portuguese firms. There are five policy areas within this strand concerning (i) the image of Portugal abroad related with specific sectors or products (e.g. textiles, shoes, furniture), (ii) the strengthening of Portuguese firms in targeted export markets, (iii) the 'internationalisation' of firms, (iv) the attraction of selected foreign investment having regard to the Portuguese entrepreneurial community living abroad, and (v) the fight against artificial trade barriers raised to Portuguese firms.

F19. The second policy strand concerns the support to modernisation strategies of Portuguese firms. There are four main policy areas. The first concerns direct support to technological and organisational innovation strategies where the incentives schemes differ according to whether the project is located in the 'littoral' or in the interior of the country. A second strand promotes inter-firm cooperation and a third is targeted towards the strengthening of entrepreneurial associations. Finally, there is a policy area devoted to 'special projects' which include agro-food supply markets, and support to historical and urban centres projects. There is the intention of creating in a first phase one agro-food supply market in each Portuguese 'planning' region with, in a second phase, two more markets to be located in interior areas still to be designated.

Regional level

F20. There is no autonomous regional level of policy making. However, it should be pointed out that there is a clear attempt to strengthen entrepreneurial associations which often have a supra-municipal scope. The support to agro-food-supply markets is also an indirect contribution to promote an aggregate spatial level of cooperation.

Local level

F21. Local authorities play a role mainly in the implementation of some special projects. That is the case of the agro-food markets where local authorities participate as stakeholders in the special societies charged with the management of those markets. Similarly, in projects related with historical and urban centres, local authorities can play a role as partners of local firms and entrepreneurial associations.

Industry

F22. Industrial policy constitutes a major concern within the framework of the second medium-term strategic option 'to prepare Portugal to compete in a global economy'. The context is that of an increasingly fierce and global competition and of constantly changing market conditions. In this context, the modernisation of Portuguese productive fabric and the improvement of the competitiveness of the Portuguese firms constitute major policy objectives. The overall aim is to create the ability to identify new market opportunities, to adequately explore existing potentialities and to adopt 'aggressive' strategies towards new markets. To this end, a diversified array of incentives and support schemes was created, anchored by and large on the Community support framework 1994-99.

F23. The efforts to strengthen the competitive position of Portuguese firms have no parallel in terms of a spatial dimension on industrial policy. It is commonly accepted that industrial policy is not geared towards the spatial redistribution of industrial development. Rather, such a task is laid upon regional incentive schemes which do not play a significant role in the context of the global support to industrial development. Indeed, industrial policy is basically a sectoral policy largely dependent upon the initiatives of individual economic or institutional agents, be they single firms or entrepreneurial associations.

F24. The current Regional Incentives Scheme (SIR) is geared towards the less-developed areas of Portugal, defined as all the interior areas plus some less developed municipalities of the littoral (Council of Ministers' Resolution No 67/94, 11 August). The aim is to support the creation and modernisation of small and medium-sized firms of different sectors of economic activity which may contribute to strengthen the economic base of those regions. There is an articulation between SIR and industrial policy schemes in the sense that all projects above a given investment threshold (above PTE 100 million) will be considered under industrial policy schemes wherever their location may be.

F25. It should also be pointed out that industrial policy includes support schemes directed to selected industrial sectors which are not evenly distributed in the territory. In this sense, there is a spatial dimension to industrial policy. Similarly, in

the framework of industrial innovation policy, some sectoral technological centres were created in specific locations, which adds once again a spatial dimension to industrial policy. The main concern, however, is not one of spatial management or reorientation of industrial development.

European Union

F26. The influence of the European Union is quite apparent in the new competitive context in which Portuguese firms have to operate. On the other hand, the EU plays a major role in the financing of the policy programmes designed under industrial policy. Furthermore, some of the EU initiatives (for example RETEX, Resider, Rechar) are of crucial importance for some Portuguese industrial sectors (and regions).

National policies

F27. Industrial policy, according to Law 39-A/94, has five main policy strands. As mentioned above, none of them have a direct spatial dimension. Most of these policy strands are based on a global programme designated PEDIP II. The PEDIP was a programme designed for the accession of Portugal to EU membership and stood for 'specific programme for the development of Portuguese industry'. More recently, under the 1994-99 Community support framework the acronym was maintained but it now stands for 'strategic programme for the dynamisation and modernisation of Portuguese industry'. Within the PEDIP II there are five different incentive schemes (the Sinfrapedip, Sinaipedip, Sinetpedip, Sindepedip and Sinfepedip) each of which with its own legislative basis and different incentive 'regimes'.

F28. The first policy strand of industrial policy aims to improve the environment where firms operate providing support to the upgrading of (i) technological and quality control infrastructures, (ii) consultancy and other production services and (iii) technological education and training. A second policy strand is related with the support to firms' investment strategies, covering nine different incentive 'regimes' varying from support to research and development activities to projects of inter-firm cooperation. A third policy strand accommodates more voluntaristic forms of intervention, like demonstration and information diffusion, focusing on competitive but not directly productive factors, like design, quality, innovation, cooperation and training. The aim is to induce

firms to adopt relevant strategies which will then be supported by the adequate incentive 'regime'. The fourth policy strand is concerned with the accessibility to and the reinforcement of capital markets. Finally, the fifth strand is geared towards the diversification of the economic basis in areas dominated by sectors experiencing considerable processes of restructuring (e.g. textiles, mining). The latter policy strand is largely based on EU initiatives (RETEX, Resider, Rechar).

Regional level

F29. There is no regional level of policy-making although regional delegations of national institutions or government departments may have a say on the assessment of the applications for investment projects. On the other hand, some incentive 'regimes' clearly address the need to strengthen entrepreneurs associations which often have a supra-local character.

F30. The regional coordination commissions intervene in the location of industry either through the licensing system or through the preparation of the PROT or the accompanying of the preparation of municipal plans.

Local level

F31. Local authorities do not play a major role in terms of the implementation of industrial policy except in what concerns the incentives provided for the location and/or the expansion of firms. In fact, land assembly and infrastructuring is a function usually performed by local authorities to attract industrial investment. To that end they can apply to relevant incentive schemes under PEDIP and they must also spatially define industrial zones in the framework of the municipal land-use plans.

Leisure and tourism

F32. Tourism policy is largely designed in the framework of the medium-term plan 'second strategic option', that is 'to prepare Portugal to compete in a global economy'. Tourism is seen as a sector being able to make a significant contribution to the strengthening of the Portuguese economic basis and the enhancement of its competitive position. Moreover, it is acknowledged that tourism can contribute to a more efficient use of natural resources and to increase

the effectiveness of regional differentiated characteristics. Nevertheless, the weaknesses of existing evolutionary trends in the sector, together with the increasingly competitive context in the tourism sphere as well as the changing patterns of demand in relevant tourist markets, require purposeful policy intervention.

F33. Tourism plays a strategic role in the Portuguese economy because it constitutes one of the main sources of foreign exchange. Portugal is amongst the 15 main world tourism destinations and the number of tourists visiting Portugal in a year has reached recently 10 million. However, although the number of tourists has risen significantly, tourism spending has not increased by the same proportion. Overreliance on a single product, namely the 'sun, sand and sea' trilogy, which is open to fierce competition, as well as the awareness of the adverse effects of rapid and unplanned growth, is directing policy towards (i) greater diversification of both products and markets, (ii) higher levels of quality and efficiency in tourism services and (iii) more aggressive marketing strategies.

F34. Tourism policy, as other sectoral policies, is not integrated within a globalised, explicit and coherent approach to the management of spatial change in Portugal. However, the policy objective of raising competitiveness leads to a particular concern with the traditional and more popular tourism destinations in Portugal, namely seaside resorts located in the coastal areas of Algarve and Lisbon/Cascais. On the other hand, the objective of diversifying tourism products favours the emergence of a more favourable attitude towards the support of tourism as a strategy to promote economic development in rural regions. Nevertheless, a significant number of policy instruments, like those concerning investment incentives, training or support to public infrastructures (e.g. sign-posting) are in principle dependent upon the initiative of individual entrepreneurs or institutions which, naturally, tend to be spatially differentiated and concentrated in areas where tourism already reached significant levels of development.

European Union

F35. The debate on environmental quality standards has played a major role in raising awareness of new opportunities for tourism development, namely in rural areas, and in establishing higher levels of service performance targets.

Some initiatives, like the 'blue flag', receive considerable attention from all those who can benefit from them. Moreover, the availability of European funds are of crucial importance to the design and implementation of some of the support schemes.

National policies

F36. The design of tourism policy accommodates six main policy areas. The first concerns what is designated as 'structuring public investment' to promote the qualification and diversification of the supply side of tourism activities. The second is related with the support to be given to private investment in order to increase firms' competitiveness. The third is basically related with education and vocational training in tourism. The fourth is related with promotion of tourism products. The fifth concerns a greater commitment to quality control and protection of consumer rights in tourism. Finally, the sixth policy strand is geared towards the promotion of greater efficiency and quality levels in tourism-related public services.

F37. The first policy strand which refers to public investment includes several policy objectives. Among them one finds a concern with the qualification of 'destination areas', namely sea fronts and urban rehabilitation in the Algarve. In addition, there is a policy objective of promoting the level and quality of services and infrastructures available at the beaches, with the Ministry of the Environment being a partner (together with the Ministry of Commerce and Tourism) in the measures that will be taken in the framework of this policy objective.

F38. Public investment is also anticipated having regard to the built and natural heritage. This investment will take, however, several forms. On the one hand, support will be given to the preparation of integrated tourism development programmes in regions of high potentiality (e.g. Douro Valley) namely through the implementation of itineraries of 'cultural tourism'. On the other hand, there will be direct investment in the built heritage either for accommodation purposes (e.g. the 'pousadas') or for wider concerns (e.g. the programme for rehabilitation of a limited number of villages with outstanding historical, cultural or environmental value). The emphasis on the diversification of tourism products is also underlined by the specific concern with improving the cultural heritage which are part of touristic 'cultural

itineraries' and by the support provided to regional tourist boards and municipalities aiming at improving tourist sign-posting in order to implement those programmes.

F39. A second policy strand concerns the incentives to private investment, namely through SIFIT III (the third programme on the Financial Incentives System for Investments in Tourism), the SIR (the System of Regional Incentives) and the *Fundo do Turismo*, a central department within the Ministry of Commerce and Tourism which has the responsibility of managing the financial and fiscal support to tourism investment. The main policy objectives are to build up higher quality tourism units, to modernise and re-equip existing hotels, restaurants, travel agents and camping, to create new attractions and supporting infrastructures and to promote the emergence of entrepreneurial cooperation and tourism-related services.

F40. A third policy strand, concerning vocational training, has three distinct but partially overlapping aims. Firstly, the reinforcement of the cooperation between entrepreneurs, unions and the State in the management of the INFT (the National Institute for Training in Tourism). Secondly, there is the objective of intensifying and widening the scope of vocational training programmes in tourism. Thirdly, there is the intention of building up new infrastructures to be used for tourism education and vocational training, as it is the case of S. Francisco Convent, in Faro.

F41. The fourth policy strand reflects the emphasis given to promotion activities. There is first of all a concern with the image of Portugal as a whole as a touristic destination. This concern carries with it the aim of overall coordination of the promotional messages and 'logos' to be used — a national system of promotional material will be responsible for the creation of a 'unified' promotional image of Portugal. There is also an intention to create a newsletter for tourism operators and specialised media. A second concern is the articulation between promotional campaigns and the entrepreneurial sector. The joint preparation of promotional programmes in order to diversify products and markets is a case in point within this policy objective. Another is the creation of information leaflets to be provided to entrepreneurs to facilitate information management at individual level. Thirdly, there is the intention to reinforce publicity at pan-European level in which central administration will cooperate with regional tourist boards and municipalities. Finally,

there will also be a campaign promoting the internal tourism market which is of growing relevance in the industry.

F42. The fifth policy strand concerns the control of quality and protection of consumer rights. The problem to be faced is, basically, the proliferation of non-official tourism accommodation which took place in the 1980s. The aim now is to intensify the actions to avoid the persistence of illegal tourism facilities in order to increase safety, service quality and to secure fair competition. In parallel, it is intended to revise the legislative framework concerning professional qualifications and monitoring responsibilities in tourism. The sixth and final policy strand is related with the efficiency of public services in tourism, not only in what concerns the attempt to avoid bureaucracy but also in terms, for instance, of linking up tourism administration services with universities for the development of joint projects and studies.

Regional level

F43. There is no autonomous level of tourism policy-making at regional level. However, there are several regional tourist boards which emerge from the voluntary association of (territorially contiguous) municipalities. These municipalities, together with a limited number of public institutions or State departments and representatives of private sector associations, create a 'Regional Commission'. The chairperson of this Commission is also the chairperson of the Regional Tourism Board, which is an executive council elected by the Regional Commission. The basic rationale of the association between municipalities is to potentiate economies of scale; the main functions of the Board are related with promotional activities and the support to activities and other tourism attractions (namely, different sorts of entertainments).

F44. The Regional Coordination Commissions may also play an important role in tourism development through the preparation of the *PROT* (regional physical plans — see Section B) for areas which are tourism destinations. That is the case, for instance, of the *PROTs* prepared for the Algarve (*PROTAL*), for the Litoral Alentejano (*PROTALI*) and for the Douro Valley (*PROZED*). These plans, under these particular circumstances, have as one of the major roles, to deal with existing or anticipated development pressures and/or opportunities arising from tourism development. A mention should also be made of the

POOC (physical plans for the coastal zone — see Section D). The Water Institute and, in some cases, the National Conservation Institute (*ICM*) are responsible for the preparation of the *POOC* which are in fact adjudicated to external consultants on a 'regional' basis. Both the *PROT* and the *POOC* require municipal land-use plans to be in accordance with the measures that they propose. There is also another type of plan, designated as 'Plan for the Requalification of Tourist Areas' but this has been used only once, for some areas of the Algarve.

Local level

F45. The municipalities do play an important role in creating the conditions, at local level, for tourism development. Naturally, land-use policies are quite important in coordinating change, for instance, at seafront locations. Also, the preservation of both natural and built heritage often requires a significant contribution from municipal policies. Plan preparation as well as the licensing system endow local authorities with major responsibilities in the sphere of tourism development planning. In addition, most local authorities have their own tourism policy, although sometimes it is no more than a set of (individual) initiatives ranging from the support to local festivals to the creation of locally relevant museums. They also play a role in providing information and promotional documents in their areas. The latter task is often carried out in association with the regional tourism board, if it exists.

Environment

F46. The policy for the environment, which includes natural resources and waste-management policy, is largely integrated within the framework provided by the third medium-term strategic option 'to prepare Portugal for enhanced levels of quality of life'. The overall goal of the environment policy is, naturally, to promote sustainable development in close articulation with other sectoral policies and with the active involvement of other economic, social and institutional agents. The design and the management of environmental policy is largely the responsibility of the Ministry of the Environment and Natural Resources (*MARN*), as it is expressed in both Law 39A/94 and in the (first) National Plan for the Environment Policy, prepared in 1994. The implementation of environmental policy does require the coopera-

tion and often the initiative of local authorities, individually or grouped under interest-specific multi-municipal associations.

F47. Environmental policy in Portugal, as defined by the *MARN*, is rather comprehensive, comprising several aspects such as environmental degradation, management of water resources, pollution control, waste disposal and nature conservation. For the sake of comparison with other country reports, this section will not deal in detail with issues related with nature conservation, waste management and pollution.

F48. Environmental policy is driven by a set of issues among which one can distinguish (i) the need for proper management of hydric resources, (ii) the lack of basic infrastructure on water supply and sewage systems, (iii) the adverse effects of unplanned growth, (iv) the need to increase and disseminate environmental sensitivity and awareness and (v) the need to stimulate capacity building.

F49. The concern with situations where there is already, or can be expected, a high level of environmental degradation favours a geographically specific approach to some policy measures. The same holds true in terms of management of water resources in which, beyond the general management principles which are aspatial in essence, there are specific investment projects requiring a geographically bound approach. On the other hand, the implementation of some measures, like basic infrastructure provision at municipal level, requires the explicit agreement if not the initiative of local authorities — which means that although such measures have a spatial impact, the shape of that impact is dependent upon factors not controlled in the process of policy design.

European Union

F50. The socio-political visibility of environmental policy is increasing and it is gradually gaining ground in the decision-making frame of reference. One can not dissociate such progress from the debates which have been taking place at the level of the European Union and, indeed, worldwide. Nevertheless, the continuous relevance of environmental issues in the policy agenda of the European Union has had a marked and diversified impact on the national environmental policy. That is felt not only in terms of minimum standards of environmental quality or the transposition of EU directives (as for instance on protect-

ed species) but also on management principles and wider concerns as expressed on the Fifth Environmental Programme and on the Green Paper on the environment.

F51. The European Union also provides a basis for building up a frame of reference for specific policy targets. For instance, when one addresses the issue of the lack of basic infrastructure, one tends to use as an immediate term of reference the levels of service already reached in the European Union. It is rather telling that water supply reaches only 77 % of population in Portugal but 95 % in the EU. The figures for sewerage collection and disposal are 55 % and 21 % respectively for Portugal and 86 % and 75 % for the European Union as a whole.

F52. A further dimension of the relevance of European Union is the availability of funds to implement policy. In particular, the Cohesion Fund is seen as an opportunity to bridge the gap on infrastructure provision, though it is acknowledged that the specificity of settlement patterns in Portugal may require a 'target adjustment' of some of the figures pointed out in the above paragraph. There is also a strong emphasis on infrastructure expansion which, in practice, favours particularly multimunicipal investments.

National policies

F53. A major concern of the environment policy is to prevent environmental degradation and to recover areas where high levels of degradation have already occurred. This concern encompasses situations arising from production activities, urban growth and development pressures in ecologically sensitive areas. In respect to the first situation, there is a policy towards the encouragement of adopting less pollutive technology and production processes, namely thorough an incentive scheme included under the *PEDIP* (specific programme for the development of Portuguese industry). In addition, a national system of industrial waste disposal was designed and is now in the process of implementation — though it has caused some controversy about the technical solutions adopted and the location of the different components of that system. On the other hand, the environment is regarded as a new market to which private firms can contribute. There is also a policy of gradual opening of environmental services to private interests. In addition, the environmental quality of some areas is increasingly seen as a development resource

which other sectoral policies (and economic activities) attempt to realise, as is the case with rural tourism.

F54. The concern with the second situation, that is problems created by urban growth, reflects to some extent the overall lack of basic infrastructures which was mentioned above. The policy emphasis in the short term lies (i) on the improvement of the water supply system in the metropolitan areas of Porto and Lisbon and also in the Algarve region, (ii) the improvement of the sewage system in the same areas as above plus the Estoril coastal area and specific river basins where there is a higher level of pollution (Rivers Ave, Alviela, Lis and Trancão), (iii) support to associations of local authorities promoting relevant multimunicipal projects which have a regional relevance.

F55. The third situation mentioned above, related with development pressures in ecologically sensitive areas, is being approached mainly through the institutionalisation of a more thorough planning framework. In fact, not only is there a policy of greater involvement and weight of the environment in the preparation of territorial plans at both municipal and regional level (which is illustrated, *inter alia*, by the role played in the definition and management of the *REN* — National Ecological Reserve) but there is also a concern with the preparation of special plans for specific territorial units, as is the case with protected natural areas, coastal areas and river basins.

F56. The concern with water resources is another policy area of growing importance within Portuguese environmental policy. There are three different policy strands, all of them evolving around the institutionalisation of a 'global management' approach to the river basins. The first refers to the environmental improvement of areas of outstanding natural value, as is the case with Ria de Aveiro, Lagoa de Óbidos and Ria Formosa. A second strand concerns large, multipurpose hydraulic works (water supply, irrigation, electricity generation), namely those of Odeleite-Neliche and Odelouca-Funcho. There is however the recognition that water resources are not just sources for water supply or the receiving end of refuse discharges. Their role in the preservation of ecosystems, landscaping and leisure and recreation activities are key functions requiring no less policy concern. As a consequence, 15 river basins were designated in Portugal, each of

which should have a plan drawn by the end of 1996 and approved before the end of 1997. In parallel, there are some institutional changes namely with the creation of the 'river basins councils' where local authorities and other socio-economic agents are represented, in an attempt to implement the 'shared responsibility' policy advocated, for instance, by the 5th Programme for the Environment.

F57. The latter point on shared responsibility policy goes hand in hand with a policy for greater information dissemination and education on environmental issues. The training programmes included in this framework will also involve civil servants. The aim is to induce a proactive involvement of local authorities, private interests and citizens in general on environmental issues — not necessarily as a way to stop development but rather as a way to shape development models underpinning decisions on promoting or facilitating change. To some extent in connection with this approach, there is the declared aim of securing the participation of Portugal in the efforts to address more global environmental issues, particularly in accordance with policy orientations defined at the 1992 Rio Conference and the Fifth EU Environmental Programme.

Regional level

F58. There is no autonomous level of regional environmental policy although there is a growing involvement in environmental policy of supra-local associations and/or governmental departments. That is the case, for instance, of the plans for the river basins, the responsibility for their preparation being laid upon the Regional Directorates for the Environment and Natural Resources — with the exception of the international rivers (i.e. Minho, Douro, Tejo and Guadiana) where the responsibility lies upon the Water Institute. Similarly, the projects supported tend to have a supra-local dimension and one of the requirements for approval is normally the creation of a multimunicipal association among the local authorities involved.

Local level

F59. Local authorities play a major role in the implementation of environmental policy. The initiative to act on its own or in association with other municipalities is of crucial importance for improving the level of infrastructure provision and to assure its proper management. On the other

hand, few local authorities have already developed a comprehensive and integrated policy towards the environment, and the concept of Local Agenda 21, for instance, is yet to be extensively introduced in local government.

F60. Environmental policy is increasingly putting emphasis on territorial integration of sectoral concerns. Municipal plan preparation as well as the licensing system are privileged arenas for such integration. In this sense, local authorities are once again highlighted as among the major contributors to the effectiveness of environmental policy.

Transport

F61. Transport policy is largely set within the framework of the second medium-term strategic option 'to prepare Portugal to compete in a global economy'. In this context its contribution is regarded as fundamental to promote the competitiveness of the Portuguese economy and complementary to the efforts of modernising the productive fabric.

F62. There are four main policy issues which to a large extent frame the development of transport policy: (i) the peripherality of Portugal within Europe and the consequent need to enhance the integration in trans-European accessibility networks, (ii) the low level of internal accessibility, (iii) the realisation that the expansion and improvement of transport physical infrastructure is a vital condition to raise the competitive position of the Portuguese economy, and (iv) the awareness that transport policy may constitute a major contribution to the enhancement of national levels of quality of life.

F63. Transport policy is based upon a spatial perspective of the whole of Portuguese territory. That is particularly true for road infrastructure, that has hitherto received the bulk of attention and resources, and which has been based on a National Road Network Plan, drawn up in 1985. This national spatial perspective is integrated within a broader, transnational approach, aiming at the articulation between national and supranational networks. Finally, another spatial focal point of transport policy are the two metropolitan areas of Porto and Lisbon, namely through investments on suburban transport networks.

European Union

F64. The European Union has decisively influenced in many ways the emergency, the configuration and the persistency of current transport policy. In fact, it not only influences national options as a consequence of defining trans-European networks, but also provides a continuous impetus for policy design and delivery through funding and through constantly 'imposing' competitiveness requirements and service quality standards.

F65. There is yet another way through which the influence of the European Union is felt. In fact, the growing concern with the environmental impact of transport network physical infrastructures is partly derived from the international arena and the environmental policy agenda at European level is at the centre of such an arena.

National policies

F66. At national level, there is a differentiation between road, rail, fluvial and air transport policy from that of port and maritime transport, to some extent reflecting the organisational structure of the Portuguese Government when the medium-term options were defined. The latter will have a relatively superficial treatment since its spatial impacts derive almost exclusively from inter-modal transport articulation and from the development potential of unused land at seaports following modernisation strategies.

F67. Transport policy has relied heavily on the provision of road infrastructure and the National Road Network Plan, drawn up in 1985 as mentioned above, has been the backbone of road transport policy. The Plan's configuration basically includes two north-south axes, one in the eastern coastal area and the other in the western interior, and several east-west plus some diagonal links. The emphasis is then on the layout of 'national' roads, leaving open the options related with the integration of national and local networks. Currently, more emphasis is being put on the improvement of the railway system.

F68. There are three main national policy orientations. The first concerns 'external accessibility', dealing with the articulation with trans-European networks, the second is basically concerned with 'internal accessibility' and the third with the specificities of the two metropolitan areas of Porto and Lisbon.

F69. In what concerns external accessibility, and in addition to the implementation of the road net-

work plan, the improvement of the railway system is based upon the 'Beira Alta' railway line, linking the coastal area to Spain through the central region of Portugal (Vilar Formoso/Ciudad Rodrigo border). Some improvements are also intended in the main railway line linking Porto with Lisbon. Airlinks are obviously included under this heading with the international airports, including those of Azores and Madeira, targeted to receive public investment.

F70. Road network expansion and improvements under 'internal accessibility' policy orientation follow broadly and once again the guidelines provided by the 1985 Road Network Plan. In terms of the rail network the emphasis is laid on the modernisation of urban and suburban tracks plus the starting of construction works to create the north-south link in Lisbon.

F71. The third policy orientation is largely focused on the need to reduce congestion in the metropolitan areas of Lisbon and Porto. The Road Network Plan still offers guidance for the intra-regional links which will be created or subject to improvements in both areas. Deserving mention is the intention to reinforce the existing bridge over the Tagus in order to introduce a sixth line (only five are currently being used) and a particularly important decision to build a new bridge over the Tagus in the Lisbon region. In terms of rail suburban links, several improvements are listed. It also includes the expansion of the underground network in Lisbon and the initial stages of the implementation of a light rail system in Porto and also in Coimbra. In the Lisbon metropolitan area, the fluvial transport system will also be improved through the acquisition of new and faster ferries.

F72. Maritime transport policy includes several policy objectives. They range from the modernisation of the legal framework regulating maritime transport and ancillary activities, through the incentives given to the expansion and modernisation of the merchant fleet to the promotion of education and vocational training in relevant fields. A mention also to the policy aim of increasing short distance and combined maritime transport. A complementary policy area is the improvement of port infrastructures. Again, several policy objectives are outlined, including the modernisation of ports internal infrastructures, equipment and services, the improvement on port environmental and safety conditions and the improvement on maritime and road/rail accessibility to ports. Other

policy objectives are the encouragement of a more active involvement of private agents in the management of port activities, the planning and balanced management of the areas owned by port authorities and the support to investment in infrastructures for nautic leisure and recreation activities.

Regional level

F73. As in many other areas, there is no autonomous regional level of policy-making. Nevertheless, the regional delegations of the JAE (road authority) play an important role not only because they provide the necessary technical assistance to the implementation of the programmes decided at local level but also because they participate in the accompanying commissions of the PDM (Municipal Director Plan). In this latter role, the regional delegations participate in consensus-building exercises regarding the safeguard of land for road infrastructures. In this context, the regional coordination commissions which chair the accompanying commissions often play a role of conflict resolution. However, in practice it is not always possible for JAE regional delegations to assume definitive commitments regarding both location and timings of road development.

F74. The DRARNs (Regional Directorates for the Environment and Natural Resources) also play a role in the accompanying commissions but their main relevance comes through the assistance provided to the Ministry of Environment and Natural Resources in supervising environmental impact studies for specific tracks of roads or other infrastructures that are intended to be built.

F75. Having in mind the spatial dimension of transport policy and the emphasis given to the problems of the two designated metropolitan areas of Lisbon and Porto, the respective authorities constitute a major regional level partner in the process of policy preparation and implementation. On the other hand, the railway system is centrally managed by a public agency, the CP (*Caminhos-de-ferro de Portugal*).

Local level

F76. Local authorities play a major role in implementing and facilitating development. The planning system is a crucial device to perform such role. The preparation of PDMs has as one of the main objectives to allocate and safeguard land for future infrastructure development, in articulation with the relevant central administration de-

partment. The accompanying commissions provide the forum where concerted action is to take place. Furthermore, local authorities are responsible for the maintenance and expansion of the municipal road network. A few local authorities also have municipal services which run local public transport.

F77. The planning system offers a framework for the management of derelict or unused land that becomes available after changes on the fate of transport infrastructure. Port administrations are gaining increasing visibility due to the development potential of waterfront land whose past uses are becoming obsolete.

Economic development

F78. The policy towards economic development basically encompasses the whole of the second strategic option 'to prepare Portugal to compete in a global economy'. It is structured around four main policy issues, (i) the qualification of human resources through education, training and science and technology development, (ii) the improvement of basic physical infrastructures like transport, communications and energy, (iii) the modernisation and internationalisation of the productive fabric, and (iv) the reduction of regional disparities within Portugal.

F79. Most of the policy programmes developed under this framework are sectoral policies which do not have a purposeful spatial dimension, as some of the policies considered in this section clearly illustrate (e.g. industry, commerce). The concern with the development of less-favoured areas is largely accommodated within the fourth policy issue mentioned above. Two main policy strands are then considered: the need to promote regional development and to strengthen the planning system.

F80. The promotion of the 'regional development potential' constitutes a specific operational programme under the Community support framework 1994-99 which contains a diversified range of policy measures. The main aim is to strengthen the economic basis of less-favoured areas (about 80 % of Portuguese territory, accounting for 35 % of the population) with specific schemes supporting economic initiatives of a different nature, namely small investment initiatives, traditional craft activities, heritage conservation and environmental enhancement, local consultancy and

information diffusion services, etc. Other support schemes are the Regional Incentives Scheme (*SIR* — see section on industry) and special projects, namely the Alqueva, located in the Alentejo region. In addition there are seven 'regional operational programmes' (corresponding to the five regional coordination commissions plus Azores and Madeira) where national policy guidelines are interpreted in the light of regional characteristics and expectations.

F81. The strengthening of the spatial planning system is also seen as a tool to promote regional development. A first concern is to consolidate the use of spatial planning instruments, reflecting the weak planning tradition which characterises the Portuguese situation in the recent past. All the municipalities are required to prepare their Municipal Director Plans and Regional Coordination Commissions are responsible for the preparation of several regional physical plans (*PROTs*).

F82. Most of the plans are still formed with an almost exclusive restrictive stance, safeguarding natural resources and land availability for future developments through imperative zoning strategies. This emphasis reflects a conceptual legacy of past approaches to spatial planning. More recently, a new planning approach is being stimulated requiring some municipalities to prepare their 'city strategic plans', where the strategic development dimension comes into the forefront. This is seen as a crucial mechanism not only to improve quality of life within cities but also to reinforce the links between urban areas and their hinterland and to strengthen the urban system across the national territory.

European Union

F83. The impact of the European Union on the internationalisation of the economy and on the increase on levels of competition is quite apparent. Economic development strategies are framed largely in response to these contextual conditions. In this sense there is a major influence of European Union policies on the Portuguese economic policy.

F84. A second major source of EU influence derives from the financial support to the proposed policy programmes. The majority of the programmes receive a major contribution from EU funding. Moreover, some EU policy initiatives also have a significant impact on the Portuguese economic fabric.

F85. The EU also influences significantly not only the national policy agenda but also the way the different issues are addressed. This is quite apparent on several of the policy areas considered in this section. And that is true, also, in terms of the rationale for the spatial planning system. A good illustration of this argument is provided by the Law Decree 271/94, of 28 October, which establishes the new organisational structure of the Directorate-General for Spatial Planning and Urban Development (*DGOTDU*). There, the need to take into consideration the 'European perspective' on the reinterpretation of the nature and scope of spatial planning is explicitly acknowledged.

National policies

F86. As mentioned above, economic development policy includes a wide range of sectoral policy programmes, some of which are described elsewhere in this section (e.g. transport, industry, commerce and services). It also addresses directly the promotion of development in the less-favoured areas of Portugal. To this end, an operational programme was created in order to stimulate economic activity in less-favoured regions through a comprehensive and integrated policy support framework.

F87. The principles underpinning sectoral policies have already been mentioned: in the context of enlarged competition and permanent market changes, there is a need to stimulate and support Portuguese firms to adopt strategies which will endow them with the capacity to explore existing market opportunities, to identify new opportunities and to successfully profit from them. Accordingly, policy programmes were designed focusing on improving productivity of labour resources, on providing basic production-related infrastructure and on assisting firms' economic strategies.

F88. In parallel with sectoral policies, a programme was designed oriented specifically to the circumstances prevailing in less-favoured areas. Such a programme addresses the economic base of these areas under a multi-sectoral perspective, supporting small-scale initiatives, emblematic projects (e.g. tourism villages), reinforcing local formal organisations and financing special projects of a regional impact (e.g. Alqueva).

F89. The spatial planning system is also seen as making a particular contribution to the achieve-

ment of a more spatially balanced pattern of development. In this context, there has been a gradual enlargement of the expectations laid upon the contribution of the spatial planning system. The aims of statutory plans are now established far beyond land-use allocations in urban areas. The need to devise a spatially sensitive development strategy which adequately incorporates the concern with and the opportunities provided by natural resources conservation, environment enhancement and the valorisation of local cultural heritage represents a major technical challenge. The encouragement to local authorities for them to prepare non-statutory strategic plans illustrates the search for a more socially sensitive, prospective approach to spatial planning.

Regional level

F90. The diversity of policy measures encompassed under the heading of 'economic development' raises difficulties to generalise comments about policy design and implementation at regional level. In broad terms, there is no regional level of policy-making on sectoral programmes although regional delegations of Government departments or national institutions may contribute to the management of those programmes. In what concerns the policy for less-developed areas, the regional coordination commissions play a role in proposing the 'regional operational programmes'. These, however, are framed within national policy guidelines and account, all together, for less than 3 % of EU financial contribution.

F91. The regional coordination commissions also play a role in spatial planning, namely through the preparation of *PROTs*. Nevertheless, as mentioned above, these plans tend to emphasise land-use zoning policies without a clear articulation with development policy, apart from physical infrastructure expansion. Current trends, however, suggest that the evolving spatial planning system will play a more prominent role as a development policy instrument than has been the case hitherto.

Local level

F92. One must start by mentioning, once again, the difficulties in producing generalisable comments on local level policy involvement arising from the diversity of policy programmes included under 'economic development' policy. It is nevertheless worth stressing that local authorities are gaining new functions and assuming increasingly

a pro-active role in participating, designing and promoting local development strategies. In this context, new planning approaches are gaining ground and it is expected that in the near future such trends will grow in strength.

Land and natural resources

F93. The Portuguese policy on land and natural resources is integrated within the broader scope of environmental policy (see above, section on the environment). In this section emphasis is given to nature conservation policy.

F94. The geographic location of Portugal, climatic conditions and the history of successive culturally differentiated occupations of Portuguese territory gave rise to a rich and highly diversified range of ecosystems. Some of them constitute very fragile habitats, namely those related with the coastal areas, with forest resources and wetlands. There is yet insufficient knowledge about these ecosystems and the nature and extent of the impacts that human activities have upon them. A major policy objective within the framework of nature conservation and valorisation concerns precisely the support to studies about ecosystems and habitats in order to determine policy measures to preserve them. In parallel, it is recognised that spatial planning can play a major role, as outlined above, if the concern with nature conservation is duly integrated in plan formulation and decision making. In addition, technology change towards more environment-friendly practices is encouraged, as is the change on consumer patterns to more environmentally aware behaviour.

European Union

F95. The influence of European Union policy is particularly strong and experienced through a variety of both formal and informal channels. In fact, the socio-political visibility of the debate on this theme at national level cannot be dissociated from that taking place at the level of the European Union as well as in other Member States. Some initiatives, like the identification of biotopes, also have important impacts, like those of stimulating the integration of environmental concerns in plan preparation exercises. On the other hand, the adoption of specific directives, like the directive on protected habitats, requires adequate policy measures to be taken.

F96. The National Network of Protected Areas (*RNAP*) is seen as a major instrument to the preservation of fragile ecosystems. There are several types of protected areas which, in general, have a management unit which is responsible for preparing a plan. The Institute for Nature Conservation is responsible for the *RNAP* but there is a policy of deconcentrating decision-making to individual management units. The *RNAP* is also seen as a mechanism to create demonstration effects of good practice while also opening opportunities for developing further relevant research and scientific programmes. The concern with the environment is complemented with the aim of designing and implementing economic development strategies which are compatible with nature preservation. The articulation with the Ministry of Agriculture in order to promote agro-environmental measures following CAP reform is a good illustration of this policy aim.

F97. It is also recognised that outside the *RNAP* there are ecosystems which do require adequate consideration. The National Ecological Reserve (*REN*) is in this sense a powerful instrument, as mentioned above. In addition, a national strategy for nature conservation is being prepared and it is expected to be concluded in the near future. The Ministry of the Environment and Natural Resources is also involved in some direct interventions like the afforestation programme in the *RNAP* and the support to local authorities and other agents for environmentally informed forest management practices. Other measures concern *in situ* preservation of protected, endangered or pressured fauna and flora species.

Regional level

F98. The regional dimension of nature conservation policy is apparent in the management of protected areas. The geographical boundaries of these areas include, in general, the totality or part of several municipalities. There is also a need for concerted action not only among municipalities but also between municipalities and central administration, which designates two of the three members of the management unit, including the chairperson.

F99. The regional coordination commissions (*CCR*) may also play a role in the field of nature conservation through the preparation of the *PROT* (Regional Physical Plan). There is, as mentioned above, a declared policy aim of enhancing the integration of environmental factors in plan-

making exercises. Such integration is generally regarded as not having yet been fully achieved. Nevertheless, bearing in mind the purposes of the *PROT*, one easily realises the potential role of *CCR* in designing and implementing nature conservation policies. The same can be said in relation to the Water Institute in terms of its role in the preparation of the *POOC* (physical plans for the coastal zone).

Local level

F100. Local authorities can play a major role in terms of nature conservation. Firstly because of their responsibility to prepare municipal plans which may, or may not, successfully integrate environmental concerns in land-use policy. Secondly because they may integrate protected areas and, thus, have a role to play in their management practice and policy. Finally, because their (municipal) plans will have to accommodate policy measures of higher order plans (*PROT*) or special plans (e.g. *POOC*).

Heritage

F101. The policy towards the built heritage is part of a broader cultural policy which is designed in the framework of the first medium-term strategic option of 'preparing Portugal for a new European context'. Heritage policy comes under the policy aim 'to reaffirm Portuguese identity by preserving and promoting Portuguese culture and historical legacy'. This broader cultural policy is confined neither to the built heritage (for example it includes support to mobile public libraries and to the promotion of cultural events) nor to the Portuguese territory (for example it includes the valorisation of the Portuguese language in the educational systems of other countries where there are large Portuguese communities and the expansion of the international coverage of the State-owned TV channel). Under this heading of 'cultural policy' there is, however, according to Law 39-A/94, a specific concern with, and a policy towards, the built heritage.

F102. A major issue in both the design and implementation of the policy is the lack of financial resources to provide and/or enforce an adequate level of maintenance work in classified buildings.

F103. There is no spatially oriented approach to the preservation of the built environment. Build-

ings, groups of buildings or specific sites are classified in an ad hoc way. Nevertheless, once a classification is made, there is a spatially defined protection zone where licensing procedures will be modified in order to allow the *IPPAR* (Institute for Architectural and Archaeological Heritage) the right to approve or refuse a planning permission.

European Union

F104. The European Union is seen as a stimulus to preserve and further consolidate national identity. The heritage policy represents a fundamental contribution to that aim. The policy framework tends to relate to worldwide debate on heritage, as is the case of the Athens Charter (1931), the Venice Charter (1964) or the Declaration of Amsterdam (1975).

F105. The European Union also provides some funds which are used in the implementation of the heritage policy. In the framework of the EU programme of pilot projects for the preservation of the European architectural heritage, several projects have been funded in Portugal, namely in Lisbon and Viseu. In addition, other sectoral policies whose implementation is dependent upon EU Structural Funds may also make a contribution to heritage policy aims, as is the case with the Programme for the Revitalisation of Historical Villages.

National policies

F106. Several policy objectives can be pointed out, namely those related with direct public investment in the preservation and maintenance of the artistic belongings of national palaces, national museums and other classified buildings. Another policy objective is to stimulate a greater adhesion to the *Lei do Mecenato* (i.e. private funding of cultural events and heritage in exchange for tax benefits) in order to increase funds available for cultural purposes. A further policy objective, not confined to the built heritage but particularly relevant to it, is to inform and raise awareness both in Portugal and abroad about the Portuguese historico-cultural heritage. That involves, inter alia, specific programmes for young people of school age.

F107. The Portuguese Institute for the Architectural and Archaeological Heritage (*IPPAR*), which is a department of the Secretary of State for Culture, plays a major role in the definition and implementation of the policy towards the built heritage. The *IPPAR* is responsible for assembling

the necessary information to justify the 'classification' of a given building or site as of national interest. The initiative to propose a given building, group of buildings or sites for classification can come from anyone, although local authorities are expected to be the main actor for that purpose. Local authorities will be responsible for classification procedures only if buildings or sites are considered of regional or municipal rather than national interest. In these situations, the regional services of the Secretary of State for Culture have to be heard in the process and it is the *IPPAR*, to which a copy of the whole process must be sent, which eventually will 'register' the classification.

F108. There is a three-fold typology for 'classification': monuments, groups of buildings and sites. Once a building is classified or the process of classification has been initiated, a 'protection area' is defined either automatically (50 m around the limits of the building) or through specific legislation (in cases where a different configuration is thought more adequate) The rationale is that most of the classified cultural heritage have some special relationship with their environs so that the preservation of the environs is part of the preservation of the heritage itself. The planning system is then called to play a role in these 'protected areas'. The licensing system requires formal approval from the *IPPAR* in addition to that from the local authority. The same applies to any sort of building works to be carried out in the classified heritage.

F109. In Portugal there are over 2 700 classified cultural heritage sites, buildings and monuments, most with national interest status (only about 8 % have only municipal interest status). The *IPPAR* is responsible for the maintenance of about 200 classified buildings, monuments and sites and other Government departments using classified heritage also have the responsibility of maintaining them. The *IPPAR* also establishes criteria for the preparation of projects in privately owned classified heritage and supervises project implementation. The *IPPAR* can enforce the carrying out of repair work in private classified heritage and there are some incentives and tax benefits for that purpose.

F110. Other policies may also offer some support for the preservation of cultural heritage, namely those related with the diversification of tourism products, 'local development initiatives' and those aiming to reinforce the attractive potential and regional role of middle-sized towns.

Regional level

F111. The *IPPAR* has five regional delegations, in Porto, Coimbra, Lisbon, Évora and Faro. They perform at regional level the role which is allocated to *IPPAR*, namely in what concerns classification procedures and the participation in the licensing system.

Local level

F112. Local authorities may play a relevant role in the implementation of the heritage policy. They are expected to initiate the process of classification and, when appropriate, to carry it out. The main participation, however, is related with the way the licensing procedure is carried out within the protection area of classified buildings. In municipalities where there are many listed buildings, as is the case of Évora, for instance, the involvement of *IPPAR* can be a time-consuming process and often it is felt necessary to promote ad hoc agreements on procedural issues.

F113. Local authorities can also apply to policy programmes which have relevance for heritage policy.

Waste management and pollution

F114. The policy on waste management and pollution falls within the scope of Portuguese environmental policy, which is under the responsibility of the MARN (Ministry of the Environment and Natural Resources). The latter is largely defined in the framework of the third medium-term strategic option 'to prepare Portugal for enhanced levels of quality of life'.

F115. There are three main principles which underpin waste management policy: (i) to prevent waste production namely through increasing product life cycle, (ii) to recycle and re-use, and (iii) to provide adequate treatment and disposal of remaining products. The main policy issue, however, is the low level of provision of adequate means for treatment and disposal of solid waste. This issue carries with it the concern with building up nationwide knowledge and institutional capacity of implementing and monitoring waste management systems.

F116. The vast majority of policy measures are valid in the whole of the territory and its effec-

tiveness is dependent upon the initiative of local authorities, either individually or grouped under municipal associations. There is, however, a particular concern with the metropolitan areas of Porto and Lisbon. Some measures, namely those related with hospital waste, and pilot projects, like the one on recycling, are spatially focused on the two areas mentioned above, although it is intended to extend such policies and projects to other areas in Portugal. Finally, the selection of specific sites for the location of treatment stations tend to raise controversy and often gives rise to local social opposition.

European Union

F117. The impact of the European Union can be felt in a variety of ways. It is important to stress, once again, that the continuity of environmental issues in the socio-political agenda of the European Union has a direct effect on both the level of citizen awareness of, and political responsiveness to, such issues. Moreover, broad policy guidelines such as those included in the Fifth Environmental Programme are acknowledged in official policy documents.

F118. The influence of the European Union is also exerted through the transposition to the Portuguese legislation of relevant Directives, which then set standards and procedures which have to be achieved or followed. In parallel, the EU tends to constitute, even if informally, a permanent frame of reference in terms of the level of service provision. For instance, the National Plan for Environmental Policy explicitly compares the European Union level of treatment for urban solid waste, which is said to be close to 100 %, with the Portuguese corresponding figure of just over 50 %, stating subsequently that the aim is to reach 98 % in the year 2 000.

F119. A final and determinant way in which European Union influence is felt is through the funds made available to implement policy measures. The Cohesion and the Structural Funds play a fundamental role in creating the conditions for an effective environmental policy framework.

National policies

F120. Waste policy deals differently with domestic and industrial waste. In terms of domestic waste the problem lies mainly in the absence of proper treatment and disposal infrastructure. The emphasis then is to encourage municipalities to engage in the process of creating the necessary

infrastructure and services, providing both technical and financial support to such endeavour. In parallel, incentives and further support are given to the adoption of preventive measures, like the recycling programmes for glass, paper and plastic, in which a growing number of municipalities are involved. In this process, selective refuse collection has been introduced and (parts of) the 'environmental services' market opened to private interests. Finally, a mention should also be made to the policy measures aiming to increase the general public sensitivity to this issue in order to promote more environmentally friendly consumer behaviour.

F121. There is also a specific concern with 'special' types of waste and, namely, hospital waste. In the latter situation, the hospitals in the metropolitan areas of Porto and Lisbon receive priority consideration, the intention being to extend the programme to other hospital units.

F122. The problem of industrial and toxic waste has different dimensions. It is estimated that about 1.4 million tonnes of waste are produced each year in the virtual absence of collective means for adequate treatment and disposal. The Government has launched an 'integrated system for industrial waste collection and disposal' which included one incinerator and two waste disposal sites (one in the northern part of the country and the other in the southern part). A study of appropriate locations is being carried out. The decision on the location of the incinerator has already been taken (in Estarreja, a small town close to Aveiro). The study on the waste disposal sites was reopened following some deficiencies found in the study which was initially carried out. The incinerator will only deal with a minor part of waste production, about 200 tonnes a year, to cover the production of small and medium-sized firms which are unable, by themselves, to carry out waste treatment and disposal. The remaining waste production is sectorally and sometimes also regionally specific and special solutions are being tailored in that framework. These processes are being accompanied by various other measures aiming at preventing or reducing the level of waste production, either through legislation (for example to enforce the polluter pays principle) or information/education to change consumer behaviour.

Regional level

F123. As it has been pointed out in other situations, there is no autonomous regional level of

policy making. Nevertheless, some regional or supra-local departments and institutions play an important role in the implementation of waste policy. That is the case, for instance, of the *DRARNs* (Regional Directorates for the Environment and Natural Resources), which together with the *CCRs* (regional coordination commissions), provide technical support to municipalities and to their associations in both the conceptualisation and the management of the waste disposal systems. The associations of municipalities themselves are the cornerstone of the implementation of most policy measures.

Local level

F124. Local authorities inevitably play a crucial role in the implementation of waste policy, although they often need to integrate a broader association of municipalities to gain access to adequate policy measures. The declared aim of 'opening up' environmental services to the private sector also puts an emphasis on the need for local authorities to liaise with other local or regional actors. Also, such openings provide the opportunity for private firms to play a role in building up and managing waste disposal systems as well as participating in consumer environmental education campaigns.

ANNEX AND APPENDICES

ANNEX

Ministério das Obras Públicas, Transportes e Comunicações (MOPTC) (Ministry of Public Works, Transport and Communications) (from 1996 MEPAT).

The following are departments operating under the umbrella of *MOPTC*:

Gabinete da Travessia do Tejo (Tagus Crossing Office),
Gabinete do Nó Ferroviário de Lisboa (Office for the railway system of Lisbon),
Gabinete do Nó Ferroviário do Porto (Office for the railway system of Porto),
Instituto das Comunicações de Portugal (Portuguese Institute of Communications),
Instituto Nacional da Habitação (National Housing Institute),
Instituto de Gestão e Alienação do Património Habitacional do Estado (Institute of State Housing Management),
Junta Autónoma das Estradas (Roads Authority),
Laboratório Nacional de Engenharia Civil (National Laboratory of Civil Engineering).

Under the *MOPTC* a number of public sector enterprises also operate such as:

Aeroporto e Navegação Aérea (ANA) EP,
Caminhos de Ferro Portugueses EP,
Metropolitano de Lisboa EP,
Transtêjo — Transportes do Tejo EP,
Ministério do Comércio e Turismo (MCT) (Ministry of Commerce and Tourism).

MCT includes the following services and departments:

Direcção Geral do Comércio Externo (Directorate-General for External Commerce),
Instituto do Turismo e Comércio Externo de Portugal (ICEP) (Institute of Tourism and External Commerce of Portugal),

Direcção Geral do Comércio Interno (Directorate-General for Internal Commerce),
Direcção Geral da Concorrência e Preços (Directorate-General for Competitiveness and Prices),
Direcção Geral da Inspeção Económica (Directorate-General for Economic Inspection),
Direcção Geral do Turismo (Directorate-General for Tourism),
Fundo do Turismo (Tourism Fund),
Inspeção Geral dos Jogos (General Inspectorate of Games),
Instituto Nacional de Formação Turística (National Institute for Tourism Training).

Appendix 1. Glossary

Administrações dos portos

Port administrations.

Áreas de Construção Prioritária (ACP)

Priority areas for building construction. Policy instrument designed to force urban development (seldom applied in practice).

Áreas de Desenvolvimento Urbano Prioritário (ADUP)

Priority Areas for Urban Development. Policy instrument designed to force urban development (seldom applied in practice).

Áreas Metropolitanas

Metropolitan areas. A supra-municipal level of intervention, in Greater Lisbon and Greater Oporto.

Áreas de Paisagem Protegida

Areas of protected landscape.

Área de Protecção Especial

Special protection zone.

Assembleia Municipal

Municipal assembly.

Associações de Municípios

Municipal associations, enacted by different local authorities with common interests in a particular issue.

Associação Nacional de Municípios Portugueses (ANMP)

Institutional body representing municipalities. It has a consultative role in planning issues.

Avaliação do Impacte Ambiental (AIA)

Environmental impact assessment.

Câmaras Municipais (CMs)

Local authorities.

Carta de Condicionantes

Map of restrictions. Represents, in planning instruments, binding restrictions to land uses or transformations.

Clandestinos

Illegal housing developments, located mainly in the metropolitan areas of Lisbon and Oporto, or in ecologically appealing areas.

Código das Expropriações

Code of compulsory purchase.

Comissão de Acompanhamento

Technical commission, made up of a number of officials from central government departments, which accompanies the preparation of the *PDM*. Its aim is to guarantee the coordination of municipal plans with other plans and central government sectoral investments.

Comissões de Coordenação Regional (CCRs)

The regionally deconcentrated services of the *MPAT*, which constitute a main link between local and central administration.

Concelho

Municipality.

Conselho de Bacia

Basin Council.

Conselho Nacional da Água

National Water Council.

Contratos-Programa

Contract-agreements. Contracts between central government and local authorities for technical and financial cooperation.

Despacho

Ministerial dispatch.

Direcção Geral do Ambiente (DGA)

A major department within the *MARN*, which provides technical support and promotes the preparation and definition of policies for the environment, natural resources and consumer rights.

Diário da República

Official Journal.

Direcção Geral do Ambiente (DGA)

A major department within the *MARN*, which provides technical support and promotes the preparation and definition of policies for the environment, natural resources and consumer rights.

Direcção Geral do Desenvolvimento Regional (DGDR)

The national department of the *MPAT* (from 1996 *MEPAT*) in charge of the study and promotion of regional development policies.

Direcção Geral da Indústria e Energia (DGIE)

Department of the Ministry of Industry and Energy in charge of the study, formulation and implementation of industrial policies.

Direcção Geral do Ordenamento do Território (DGOT) (from 1996 the Direcção Geral do Ordenamento do Território e Desenvolvimento Urbano (DGOTDU))

The major central department within the MPAT providing technical and administrative support in the field of physical planning.

Direcção Geral dos Transportes Terrestres (DGTT)

Department within the MOPTC in charge of the territorial transport system.

Direcção Geral do Turismo (DGT)

Department within the MCT in charge of the national policy framework for tourism development.

Direcções Regionais do Ambiente e Recursos Naturais (DRARN)

The regionally deconcentrated services within the MARN.

Direcções Regionais do Ordenamento do Território (DROT)

Department within the CCRs in charge of the planning system issues.

Fundo de Equilíbrio Financeiro

Transferences from national budget to local authorities, aimed at balancing the financial situation of municipalities.

Gabinetes de Apoio Técnico (GATs)

Decentralised service of the CCRs designed to provide technical assistance to groupings of local authorities.

Gabinetes Técnicos Locais (GTLs)

Local technical offices, operating under the coordination of local authorities, responsible for the preparation of rehabilitation projects.

Governos Regionais

Regional governments in the autonomous regions of the Azores and Madeira.

Grandes Opções do Plano (GOPs)

National Plan's major objectives.

Inspecção Geral da Administração do Território (IGAT)

General Inspectorate for Territorial Administration. Central government agency with legal supervising responsibilities over all administrative decisions associated with development control and the enforcement of land-use plans.

Instituto da Água (INAG)

Institute operating under the umbrella of the MARN, which is responsible for the formulation and implementation of water resources and sanitation policies.

Instituto de Conservação da Natureza (ICN)

Institute operating under the umbrella of the MARN, which is responsible for the management and the preparation of plans for statutory protected areas such as nature reserves, national parks or areas of protected landscape.

Instituto de Estruturas Agrárias e Desenvolvimento Rural (IEADR)

A central department of the Ministry of Agriculture which provides the technical and administrative support to the definition and management of the National Agricultural Reserve.

Instituto Florestal (IF)

A central department within the Ministry of Agriculture, which provides support in the design and implementation of the forestry policy.

Instituto de Gestão e Alienação do Património Habitacional do Estado (IGAPHE)

Institute for the management of State housing stock.

Instituto Nacional de Habitação (INH)

Public sector institute with housing management responsibilities and financial support role in housing matters.

Instituto Português do Património Arqueológico e Arquitectónico, (IPPAR)

A department within the Secretary of State for Culture. Its objective is to preserve and enhance the built heritage which is considered of national interest.

Instituto de Promoção Ambiental (IPAMB)

Institute operating under the umbrella of the MARN, dealing with training, environmental information and public awareness and supports ecological groups.

Junta Autónoma das Estradas (JAE)

Roads authority.

Junta Metropolitana

Metropolitan area's authority.

Lei das Finanças Locais

Local finances law.

Lei dos loteamentos

Land subdivision law.

Lei dos solos

Land law. Establishes the basic principles of land policy.

Licença de construção

Building permit.

Licença de utilização

Authorisation for the use of buildings.

Licenciamento Municipal de Obras Particulares

Licensing process.

Livro da obra

Building diary, where all significant elements of the construction work must be registered.

Loteamento

Land subdivision scheme.

Ministério da Agricultura (MA)

The central government department responsible for agricultural policy.

Ministério do Ambiente e dos Recursos Naturais, MARN (from 1996 the Ministério do Ambiente (MA) (Ministry of the Environment))

The central government department responsible for the environment and natural resources policy.

Ministério do Comércio e Turismo (MCT)

The central government department responsible for tourism and internal and external commerce. Headed by a *Ministro* (minister).

Ministério das Obras Públicas, Transportes e Comunicações (MOPTC) (from 1996 MEPAT)

The central government department in charge of the definition of national policies on public works, civil engineering, housing, transport, communications and telecommunications.

Ministério do Planeamento e da Administração do Território (MPAT) (from 1996 MEPAT)

The central government department directly responsible for the planning system.

Monumento Natural

Natural monument.

Normas Preventivas

Preventive norms.

Normas Provisórias

Provisional norms.

Obras de urbanização

Site infrastructuring works.

Parque EXPO 98, SA

Private agency with State intervention, whose aim is to organise the International Exhibition of Lisbon 1998.

Parque Nacional

National park.

Parque Natural

Natural park.

Plano de Bacia Hidrográfica

Water Basin Plan.

Plano de Desenvolvimento Regional (PDR)

Regional Development Plan. Defines the main objectives and strategic regional development policies, in coordination with national and community policies.

Plano Director Municipal (PDM)

Municipal Director Plan. The main spatial planning instrument at municipal level aimed at structuring the municipal territory for development control purposes.

Plano Geral de Urbanização (PGU)

Former planning instrument for urban areas.

Plano Geral de Urbanização de Áreas Territoriais (PAT)

Former planning instrument at a supramunicipal scale.

Planos de Ordenamento da Orla Costeira (POOC)

Physical plans for the coastal zone, defining dominant land uses in the coastal zone, as well as the location of the main infrastructures which support such uses.

Plano de Pormenor (PP)

Detailed local plan. Establishes the typology of land use for a specific area of the municipality.

Plano Regional de Ordenamento do Território

Regional physical plan. Defines at regional or sub-regional level the criteria for the spatial organisation of activities and the use of land.

Plano Regional de Ordenamento do Território da Zona Envolvente do Douro (PROZED)

Regional physical plan for the Douro riverside (an example of a *PROT*).

Plano Rodoviário Nacional

National Roads Plan.

Plano de Urbanização (PU)

Urban development plan. Defines the spatial organisation of urban areas.

Portaria

Ministerial order.

Programa de Consolidação do Sistema Urbano Nacional e Apoio À Execução dos Planos Directores Municipais (PROSIURB)

Government initiative aimed to support the consolidation of medium-sized towns with a structural role in the Portuguese urban network and support the implementation of PDMs.

Programa Especial de Realojamento nas Áreas Metropolitanas (PER)

Metropolitan areas' special rehousing programme, aimed at ending shanty and overcrowded conditions in the metropolitan areas of Lisbon and Oporto.

Programas Operacionais (POs)

Operational programmes. Pluriannual investment programmes of a national and sectoral nature included in the *PDR*.

Programa de Reabilitação de Áreas Urbanas Degradadas (PRAUD)

Regeneration programme of urban problem areas. Programme intended to provide financial support to local authorities to carry out studies and works of regeneration of declining urban areas.

Rede Nacional de Áreas Protegidas (RNAP)

National network of protected areas.

Rede Nacional Complementar

Complementary national road network.

Rede Nacional Fundamental

Fundamental national road network.

Regime Especial de Comparticipação na Recuperação de Imóveis Arrendados (RECRIA)

Special scheme to finance works of conservation and rehabilitation of private rented property.

Regulamento Geral das Edificações Urbanas (RGEU)

General regulation for urban dwellings. Legally binding document, defining technical standards for the construction of dwellings.

Reserva Agrícola Nacional (RAN)

Areas reserved for agricultural purposes.

Reserva Ecológica Nacional (REN)

Areas for nature preservation.

Reserva Natural

Natural reserve.

Secretaria de Estado da Administração Local e do Ordenamento do Território (SEALOT)

Department within the MPAT providing support to the Minister in the definition of planning policies.

Serviços Municipalizados de Águas e Saneamento

Water supply and sewerage (municipal) services.

Urbanização

Urban development process.

Vereadores

Councillors.

Appendix 2. Acronyms and abbreviations

ACP	<i>Áreas de Construção Prioritária</i>
ADUP	<i>Áreas de Desenvolvimento Urbano Prioritário</i>
AIA	<i>Avaliação do Impacte Ambiental</i>
AM	<i>Áreas Metropolitanas</i>
ANMP	<i>Associação Nacional dos Municípios Portugueses</i>
CA	<i>Comissões de Acompanhamento</i>
CAP	Common agricultural policy
CCR	<i>Comissões de Coordenação Regional</i>
CCRN	<i>Comissão de Coordenação da Região Norte</i>
CM	<i>Câmaras Municipais</i>
CNIG	<i>Centro Nacional de Informação Geográfica</i>
CSF	Community support framework
DGA	<i>Direcção Geral do Ambiente</i>
DGDR	<i>Direcção Geral do Desenvolvimento Regional</i>
DGIE	<i>Direcção Geral da Indústria e Energia</i>
DGOT	<i>Direcção Geral do Ordenamento do Território</i> (from 1996 the <i>Direcção Geral do Ordenamento do Território e Desenvolvimento Urbano</i> (DGOTDU))
DGT	<i>Direcção Geral do Turismo</i>
DGTT	<i>Direcção Geral dos Transportes Terrestres</i>
DRA	<i>Direcções Regionais da Agricultura</i>
DRARN	<i>Direcções Regionais do Ambiente e Recursos Naturais</i>
DROT	<i>Direcções Regionais do Ordenamento do Território</i>
EDP	<i>Electricidade de Portugal</i>

EIA	Environmental impact assessment
EIS	Environmental impact study
ERDF	European Regional Development Fund
EU	European Union
GAT	<i>Gabinetes de Apoio Técnico</i>
GOPs	<i>Grandes Opções do Plano</i>
GTL	<i>Gabinetes Técnicos Locais</i>
ICN	<i>Instituto de Conservação da Natureza</i>
IEADR	<i>Instituto de Estruturas Agrárias e Desenvolvimento Rural</i>
IF	<i>Instituto Florestal</i>
IGAPHE	<i>Instituto de Gestão e Alienação do Património Habitacional do Estado</i>
IGAT	<i>Inspecção Geral da Administração do Território</i>
IGC	<i>Instituto Geográfico e Cadastral</i>
INAG	<i>Instituto da Água</i>
INE	<i>Instituto Nacional de Estatística</i>
INH	<i>Instituto Nacional de Habitação</i>
IPAMB	<i>Instituto de Promoção Ambiental</i>
IPPAR	<i>Instituto Português do Património Arquitectónico e Arqueológico</i>
JAE	<i>Junta Autónoma das Estradas</i>
MA	<i>Ministério da Agricultura</i>
MARN	<i>Ministério do Ambiente e Recursos Naturais from 1996 the Ministério do Ambiente (MA)</i>
MCT	<i>Ministério do Comércio e Turismo</i>
MOPTC	<i>Ministério das Obras Públicas, Transportes e Comunicações (from 1996 this is MEPAT)</i>
MPAT	<i>Ministério do Planeamento e da Administração Territorial (from 1996 the Ministério do Equipamento Planeamento e da Administração do Território)</i>
NGOs	Non-governmental organisations
PAT	<i>Plano Geral de Urbanização de Áreas Territoriais</i>
PDM	<i>Planos Directores Municipais</i>
PDR	<i>Plano de Desenvolvimento Regional</i>
PGU	<i>Planos Gerais de Urbanização</i>
PNA	<i>Plano Nacional da Água</i>
PO	<i>Programas Operacionais</i>
POOC	<i>Planos de Ordenamento da Orla Costeira</i>
PP	<i>Planos de Pormenor</i>
PRAUD	<i>Programa de Reabilitação de Áreas Urbanas Degradadas</i>
PRN	<i>Plano Rodoviário Nacional</i>

<i>PROSIURB</i>	<i>Programa de Consolidação do Sistema Urbano Nacional e Apoio à Execução dos Planos Directores Municipais</i>
<i>PROT</i>	<i>Planos Regionais de Ordenamento do Território</i>
<i>PROZED</i>	<i>Plano Regional de Ordenamento do Território da Zona Envolvente do Douro</i>
<i>PU</i>	<i>Planos de Urbanização</i>
<i>RAN</i>	<i>Reserva Agrícola Nacional</i>
<i>RECRIA</i>	<i>Regime Especial de Comparticipação na Recuperação de Imóveis Arrendados</i>
<i>REN</i>	<i>Reserva Ecológica Nacional</i>
<i>RGEU</i>	<i>Regulamento Geral das Edificações Urbanas</i>
<i>RNAP</i>	<i>Rede Nacional das Áreas Protegidas</i>
<i>SEALOT</i>	<i>Secretaria de Estado da Administração Local e Ordenamento do Território</i>
<i>SMAS</i>	<i>Serviços Municipalizados de Águas e Saneamento</i>
<i>ZI</i>	<i>Zona industrial (industrial zone)</i>

Appendix 3. Addresses and telephone numbers

National Government

Ministério do Planeamento e da Administração do Território (MPAT) (from 1996 MEPAT))

Praça do Comércio, P-1200 Lisboa

Tel. (351) 213 46 93 94

Direcção-Geral do Ordenamento do Território (DGOT)

Campo Grande, 50, P-1700 Lisboa

Tel. (351) 217 93 50 08

Ministério do Ambiente e Recursos Naturais (MARN)

Rua do Século, 51, P-1200 Lisboa

Tel. (351) 213 46 27 51

Direcção-Geral do Ambiente (DGA)

Av. Almirante Gago Coutinho, 30, 5º, P-1000 Lisboa

Tel. (351) 218 47 00 80

Instituto da Conservação da Natureza (ICN)

R. da Lapa, 73, P-1200 Lisboa

Tel. (351) 213 95 04 56

Instituto de Estruturas Agrárias e Desenvolvimento Rural (IEADR)

Av. Afonso Costa, 3, P-1900 Lisboa

Tel. (351) 218 47 01 60

Instituto Florestal (IF)

Av. João Crisóstomo, 28, P-1100 Lisboa

Tel. (351) 213 15 61 32

Instituto Português do Património Arquitectónico e Arqueológico (IPPAR)

Palácio da Ajuda, P-1300 Lisboa

Tel. (351) 213 63 16 77

National Agencies/Organisations

Associação Nacional dos Municípios Portugueses (ANMP)
Av. Marnoco e Sousa, 52, P-3000 Coimbra
Tel. (351) 239 40 44 46

Regional Governments

Governo Regional dos Açores
Palácio de Santana – R. Marquês Jácome Correia, P-9500 Ponta Delgada
Tel. (351) 29 62 63 61

Governo Regional da Madeira
Quinta da Vigia – Av. do Infante, 1, P-9000 Funchal
Tel. (351) 291 22 00 42

Comissão de Coordenação da Região do Norte (CCR Norte)
R. Rainha D. Estefânia, 257, P-4000 Oporto
Tel. (351) 226 09 52 36

Comissão de Coordenação da Região do Centro (CCR Centro)
R. Bernardim Ribeiro, 80, P-3000 Coimbra
Tel. (351) 239 40 01 98

Comissão de Coordenação da Região de Lisboa e Vale do Tejo (CCR Lisboa e Vale do Tejo)
R. Artilharia Um, 33, P-1200 Lisboa
Tel. (351) 213 87 55 41

Comissão de Coordenação da Região do Alentejo (CCR Alentejo)
R. da Misericórdia, 9, P-7000 Évora
Tel. (351) 26 62 40 93

Comissão de Coordenação da Região do Algarve (CCR Algarve)
Praça da Liberdade, 2, P-8000 Faro
Tel. (351) 289 80 24 01

Direcção Regional do Ambiente e Recursos Naturais do Norte (DRARN Norte)
R. Formosa, 254, P-4000 Oporto
Tel. (351) 22 31 23 12

Direcção Regional do Ambiente e Recursos Naturais do Centro (DRARN Centro)
R. Padre Estevão Cabral, 72, 2º, P-3000 Coimbra
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Appendix 4. General sources of further information

This list refers only to books on the Portuguese planning system and policies, and does not include articles in journals. In this respect, *Sociedade e Território* is the most important planning journal deserving particular attention.

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Pinho, Paulo (1985), *Planning and control for environmental policy: a study in Portugal*, unpublished PhD thesis, University of Strathclyde, Glasgow.

Sardinha, José Miguel (1993), *Direito do urbanismo e legislação complementar (colectânea de legislação)*, Coimbra Editora, Coimbra.

Revista Sociedade e Território

Unpublished material can be accessed at the Direcção Geral de Ordenamento do Território (DGOT).

Appendix 5. Update of government structure

This volume has been prepared to provide an overview of the system in place on 1 January 1994, in accordance with the requirements of the Commission. The report includes information, now out of date, related to recent policy initiatives and legislation and regulatory developments. To account for the new structure of government and planning and environment administrations, these new illustrations on the organisation of the government and of the current *Ministério do Equipamento, Planeamento e Administração do Território (MEPAT)* (Ministry of Public Works, Planning and Territorial Administration) and of the current *Ministério do Ambiente (MA)* (Ministry of the Environment), which have replaced the old *MPAT* and *MARN* respectively, have been included in this appendix.

Overall, the authors believe that most of the information in this report provides a fair picture of the Portuguese planning system, concerning both the legislative foundations and administrative structures and the particular aspects of the national approach to planning practice.

Figure 2a: Organisation of government

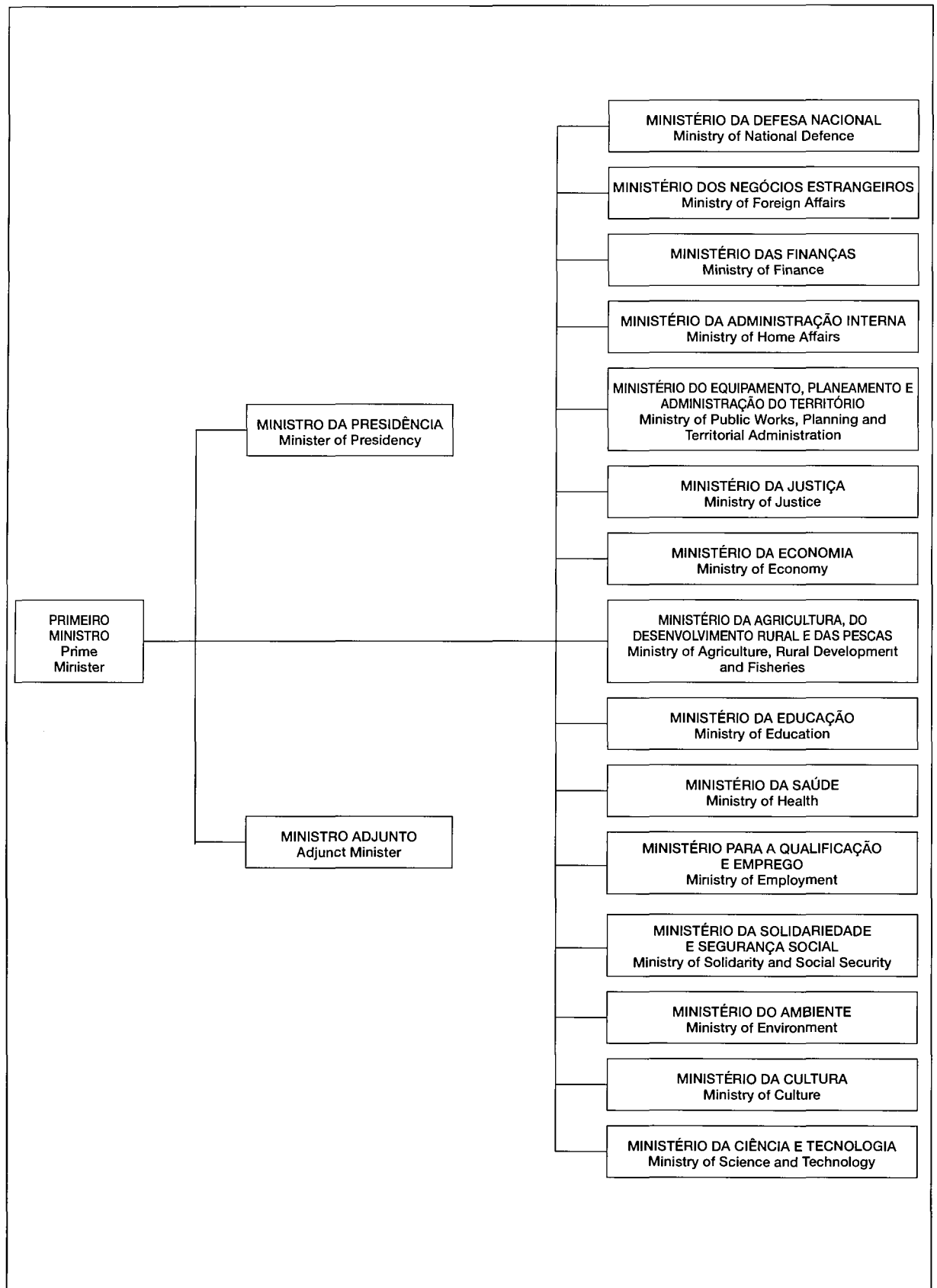


Figure 3a: Ministério do Equipamento, do Planeamento e da Administração do Território
(Ministry of Public Works, Planning and Territorial Administration)

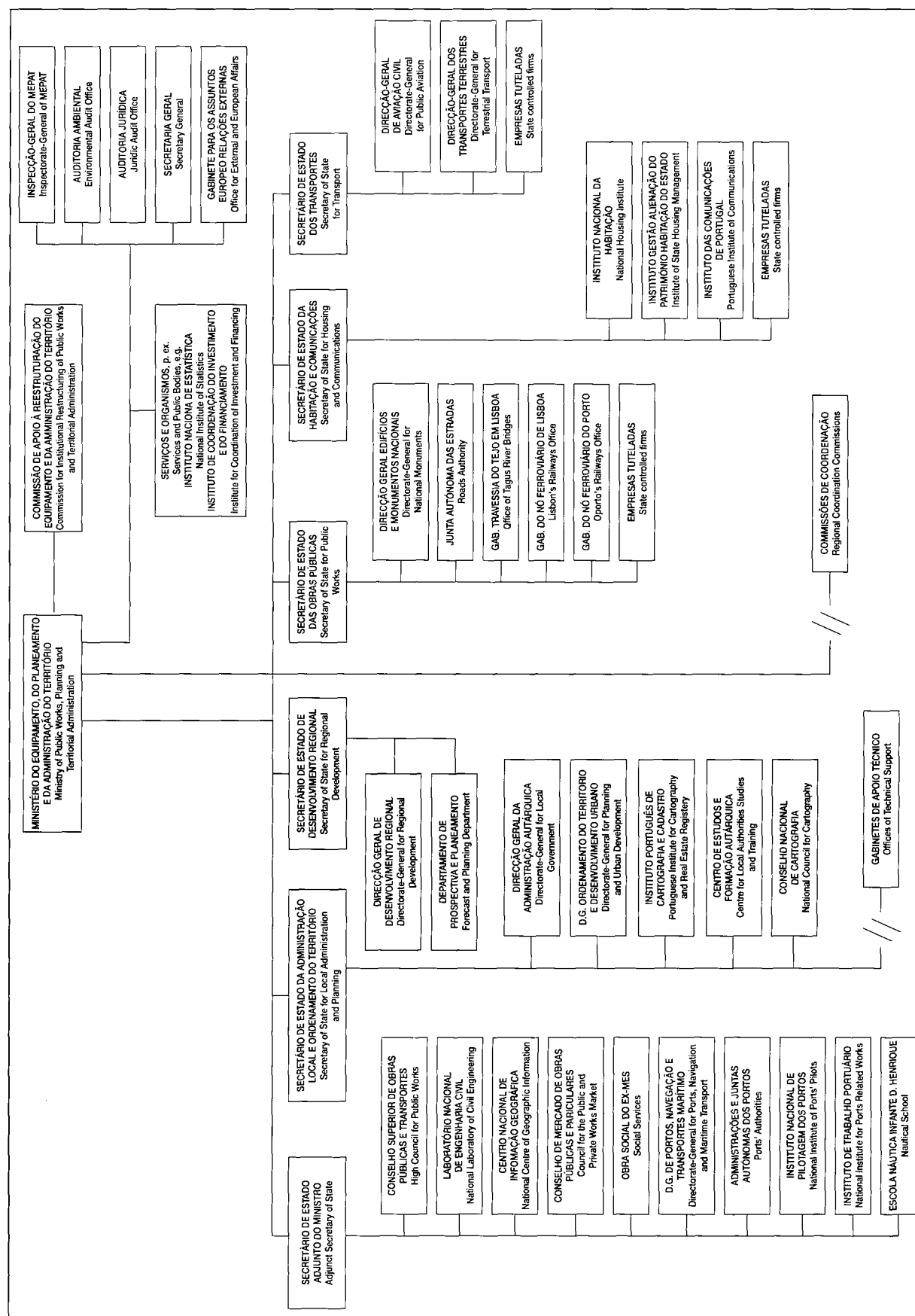
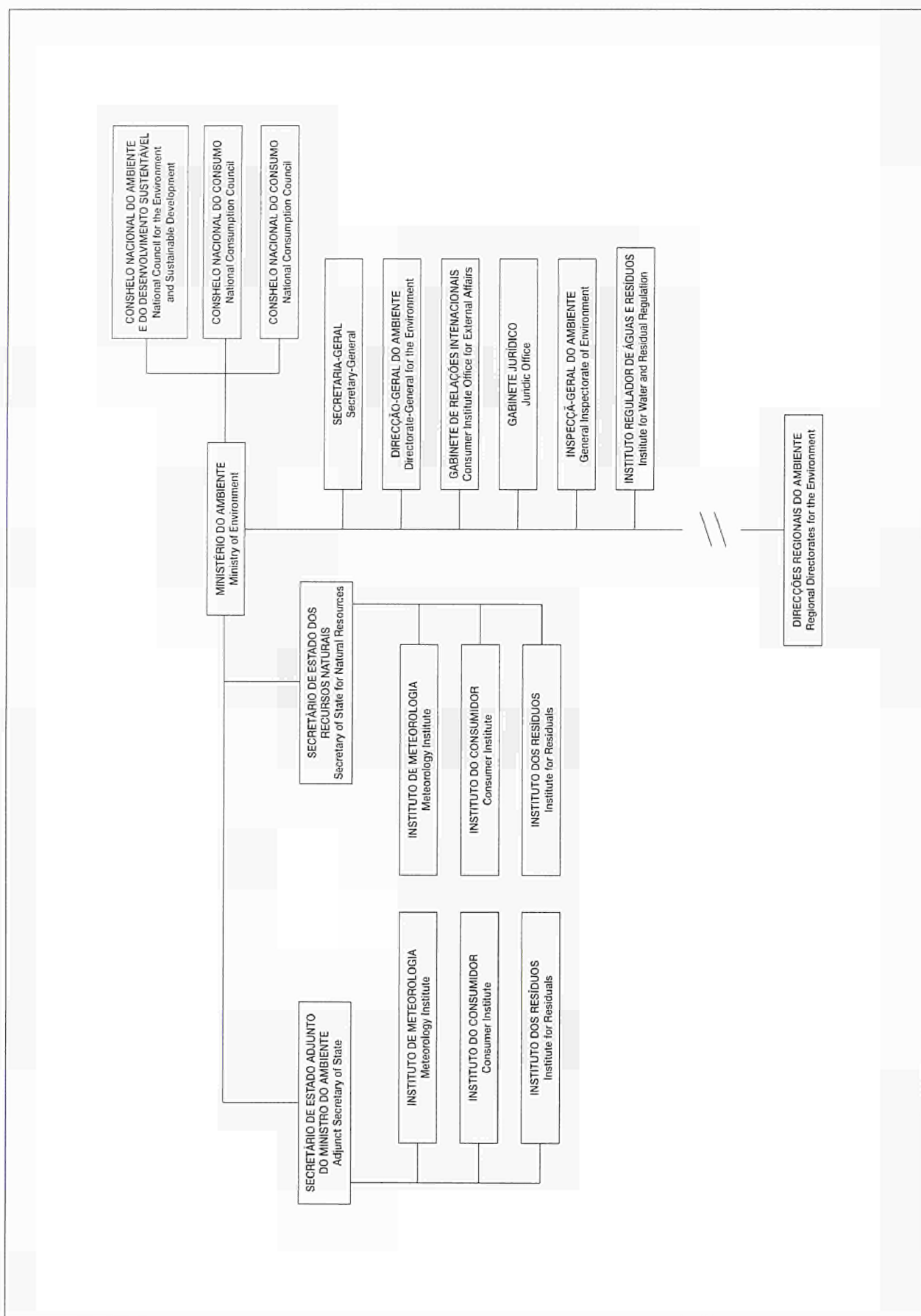


Figure 4a: Ministério do Ambiente (Ministry of Environment)



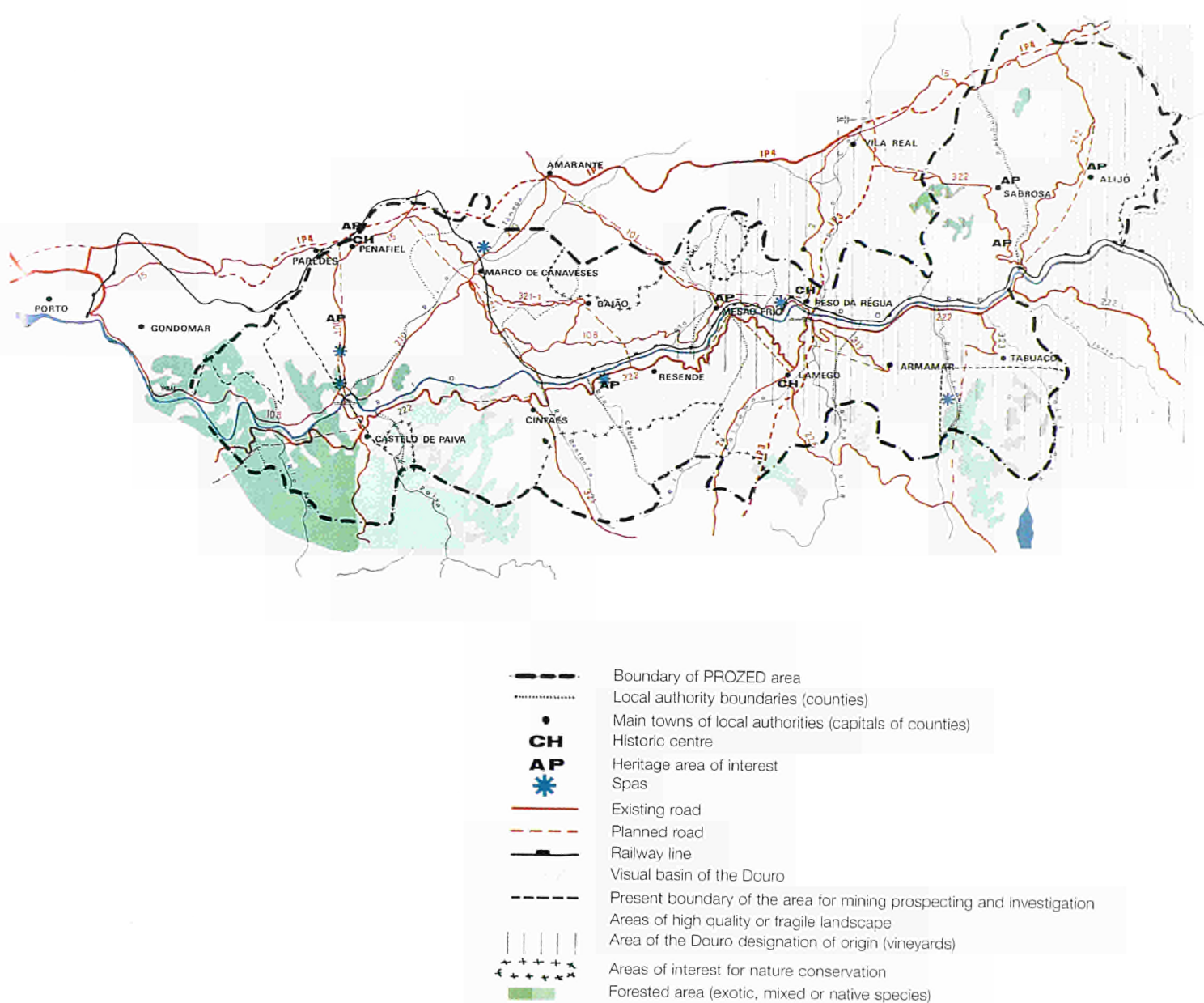


Figure 6: An extract from the PROZED Regional Plan.

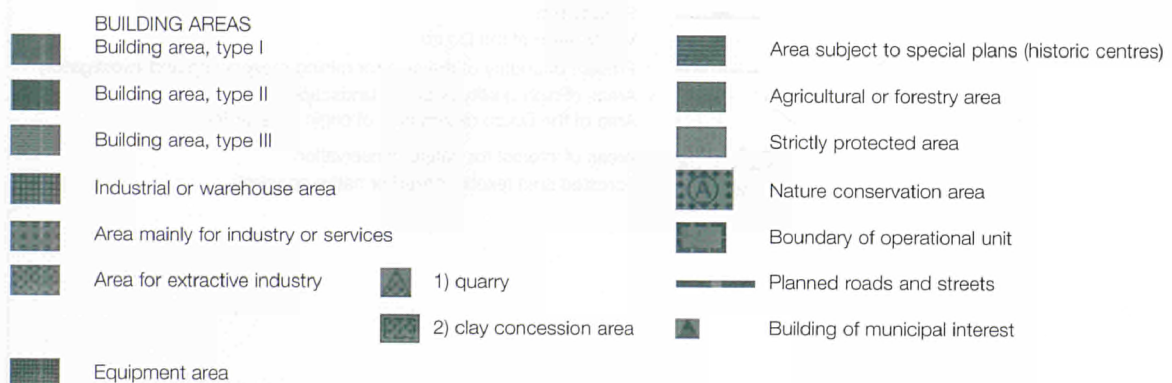
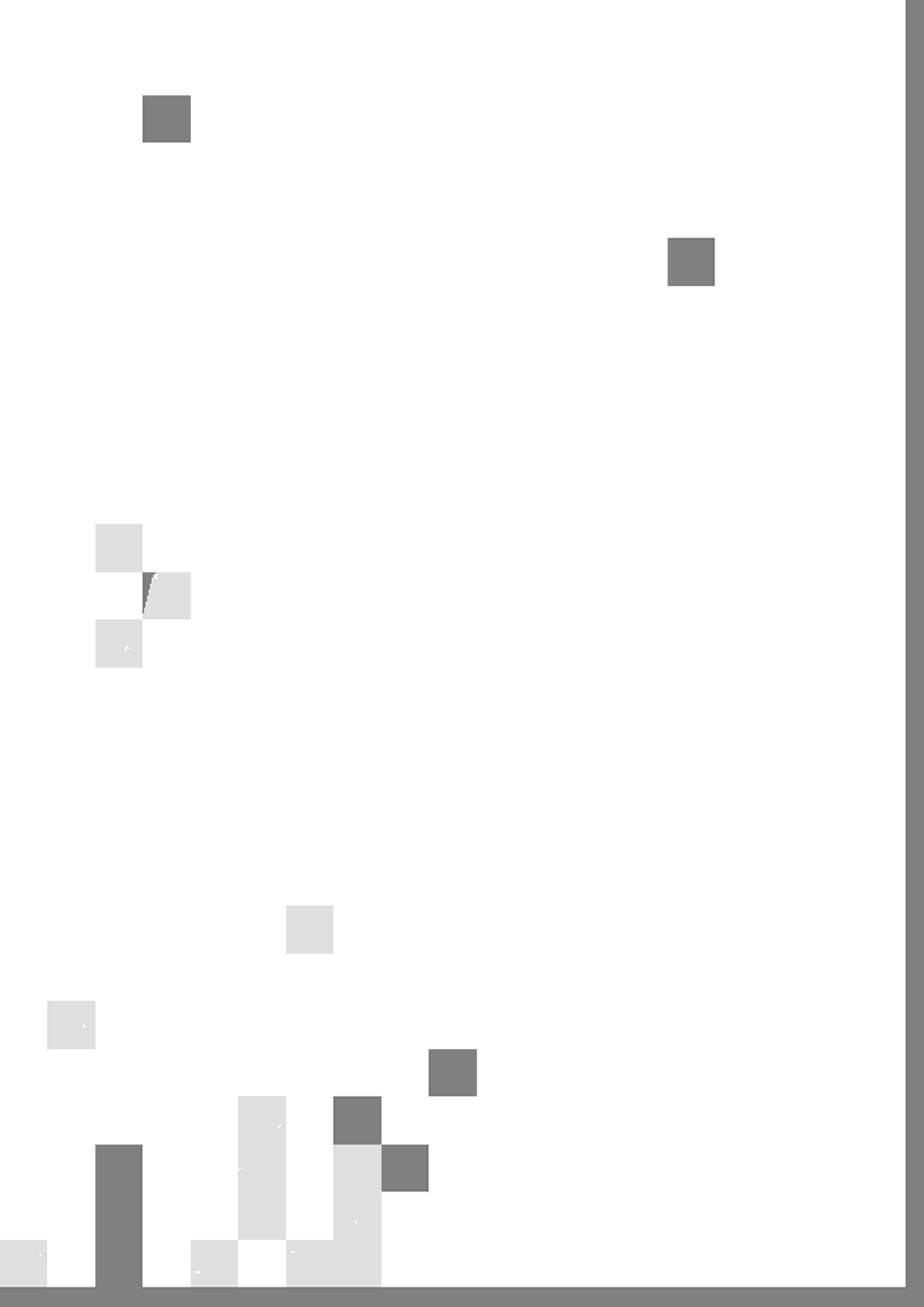


Figure 7 : An extract from the Aveiro Municipal Plan.



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The EU compendium of spatial planning systems and policies — Portugal

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