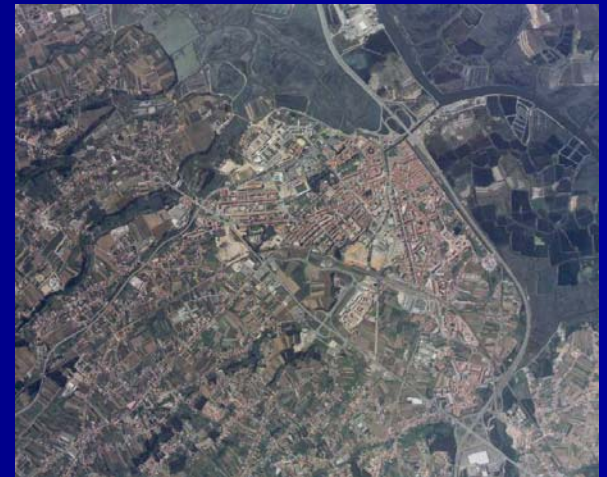


# Property, urban development agents and plans the implications of the new Portuguese legal framework



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# structure

1. Current change in urban planning in Portugal
2. Traditional approach to local spatial plans – what failed?
3. The implementation of local spatial plans: land and urban development agents
4. Challenges and expectations of the spatial planning legal framework (National Planning Law, 1998)

# 1. Current change in urban planning in Portugal

 **TERRITÓRIO PORTUGAL** Programa Nacional da Política de Ordenamento do Território  
Ministério do Ambiente, do Ordenamento do Território e do Desenvolvimento Regional

Discussão Pública PNPOT

O PNPOT é um instrumento fundamental para:

- CONHECER** o território de Portugal
- PROJECTAR** o seu futuro
- AGIR** para o seu ordenamento e desenvolvimento



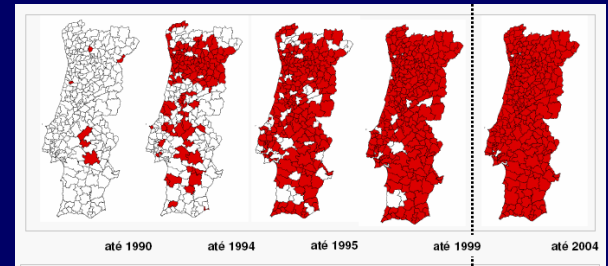
DISCUSSÃO PÚBLICA  **PROTALGARVE**  
UM TERRITÓRIO COM FUTURO

## Unidades e Sub-unidades Territoriais

Espaços homogêneos de intervenção e planeamento

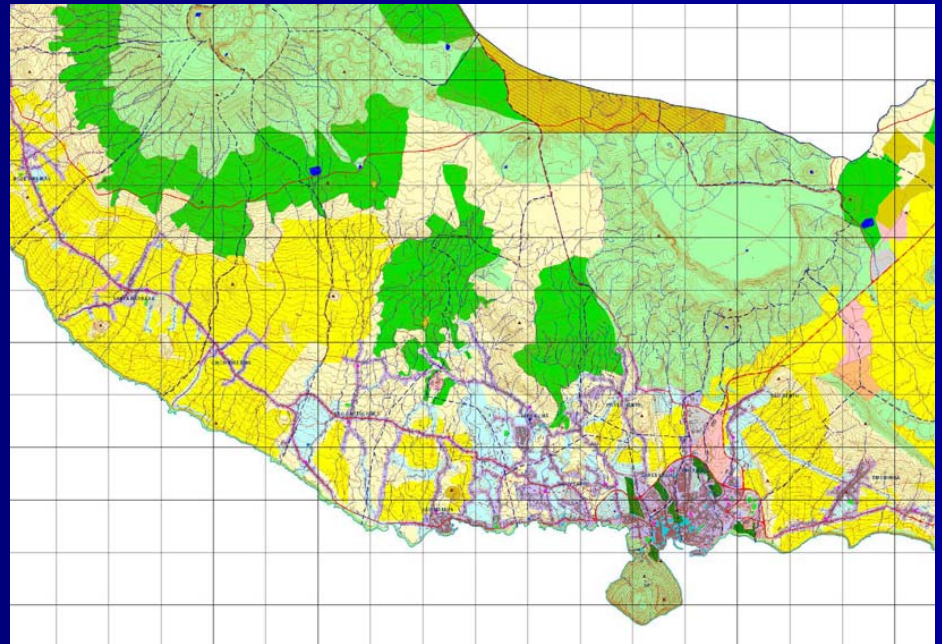


- Litoral Sul e Barrocal
- Costa Vicentina
- Baixo Guadiana
- Serra



- Spatial planning practice in Portugal (since 1990)
  - Mainly land use planning at municipal scale (305 Municipal Spatial Plans, 169 Urban Plans, 513 Detail Plans) with weak strategic dimension in spatial plans...
  - Some experiences in Regional Spatial Planning with a strong normative perspective!
  - Inexistent spatial articulation of public policies (national level)
  - Plans without implementation
  - Lack of skills and experience in spatial planning (professional and institutional level)
  - Lack of public participation in plans
  
- Expectations
  - The first National Spatial Strategy (approved in Dec. 2006)
  - new Regional Spatial Plan's (till the end of 2007)
  - a new context to the Municipal Spatial Plans

## 2. the traditional approach to the elaboration of local spatial plans...



- These traditional instruments (mainly **municipal land use plans**) show a great limitation in handling these new realities...
  - Agenda
  - Methodology
  - Operative conditions

## ■ Agenda

- Attempt to control urban growth, land use change and urban form;
- Statutory approach - an extreme normative and physical dimension;
- No competitiveness, sustainability, social cohesion dimension;
- Absence of a quantitative approach (future urban areas);
- Unbalanced - periphery the “forgotten area”.

## ■ Methodology

- Burocratic procedure... period of elaboration – 10 years;
- Absence of institutional debate (local, regional and national level);
- No stakeholders involvement... a lost opportunity to legitimate proposals;
- No learning process... no shared vision!
- No planning process!

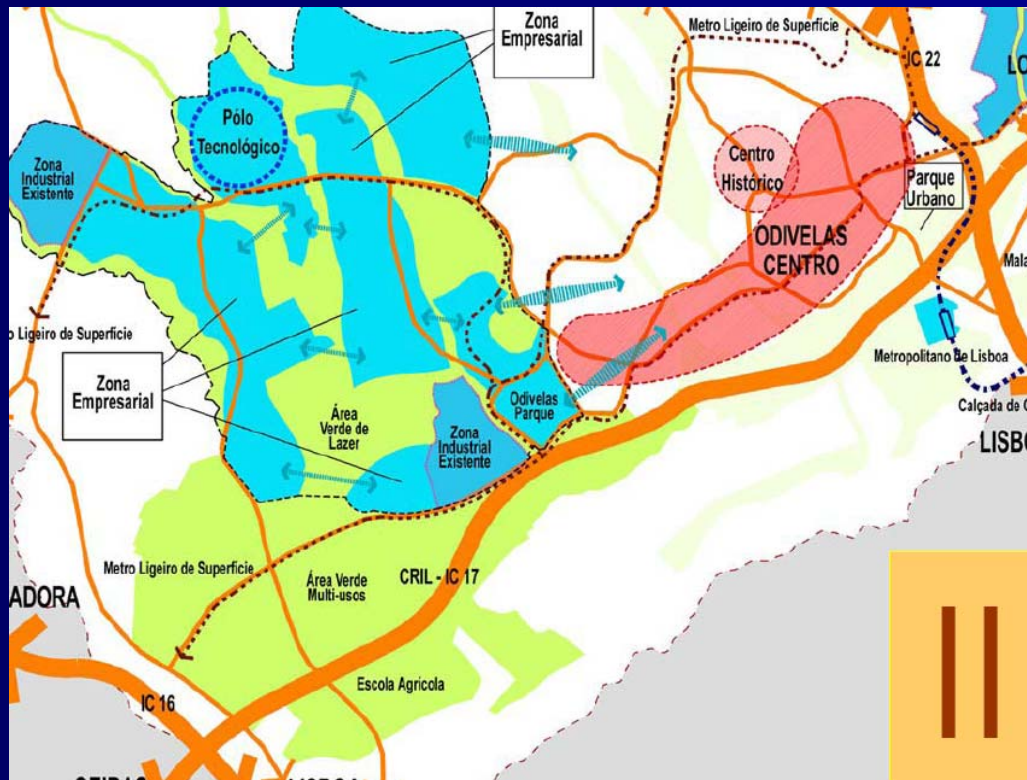


## ■ Operacional

- A blueprint approach and largely focussed on the urban or municipal scale... **not strategic**
- Worried with quantitative approach (m<sup>2</sup>)... **not with urban quality;**
- Reactive, worried with legal procedure of administrative approval of private projects ... **not with implementation conditions (how much, who makes and when it is made);**
- Rigid character ... **without the flexibility factors essential to deal with a strong investment dynamic and strong competition among cities.**
- The implementation of the plan depends on local administration ... **without public financial support!**

- Did these plans really controlled or oriented urban development?

# 3. the implementation of the local spatial plans



Land  
policies

and

urban  
development  
agents

- Paradox – physical planning without looking at the land “policies” and at the urban development agents

# urban development agents

- They are changing...
- Emergence of financial groups (which appeared with the economic development in the beginning of the Eighties) - and new investment strategy in real estate, using urban projects as financial investments;
- We need to understand their new functions, motivations and behaviours!

# promoters

- Types of behaviours:
  - a more traditional one (“promoter-  
constructor”), typically a small company,  
which concentrates the promotion’s  
different phases;
  - a more specialized and associated to  
great economic groups (“promoter-  
investor”), in which urban promotion is  
assigned to a different number of actors.

...

- These different models also show different approaches to attracting potential consumers, focusing not only on existing needs, but specially creating new needs.
- New urban projects (shopping centers, retail centers, gated cities, mega leisure centers,...)

# land owners

- Conservative attitude towards real estate market, creating an artificial scarcity, for which spatial plans are failing in counteracting its perverse effect.



# Property in Portugal

- has a low transparent behaviour with scarce and unbalanced information;
- has a speculative behaviour and it is object of strong valorisation and capitalization;
- it is not for sale; its rotation is slow; only circumstantial or family reasons motivate the sell-off; and its value as a strong influence in the price of the final product (housing product);

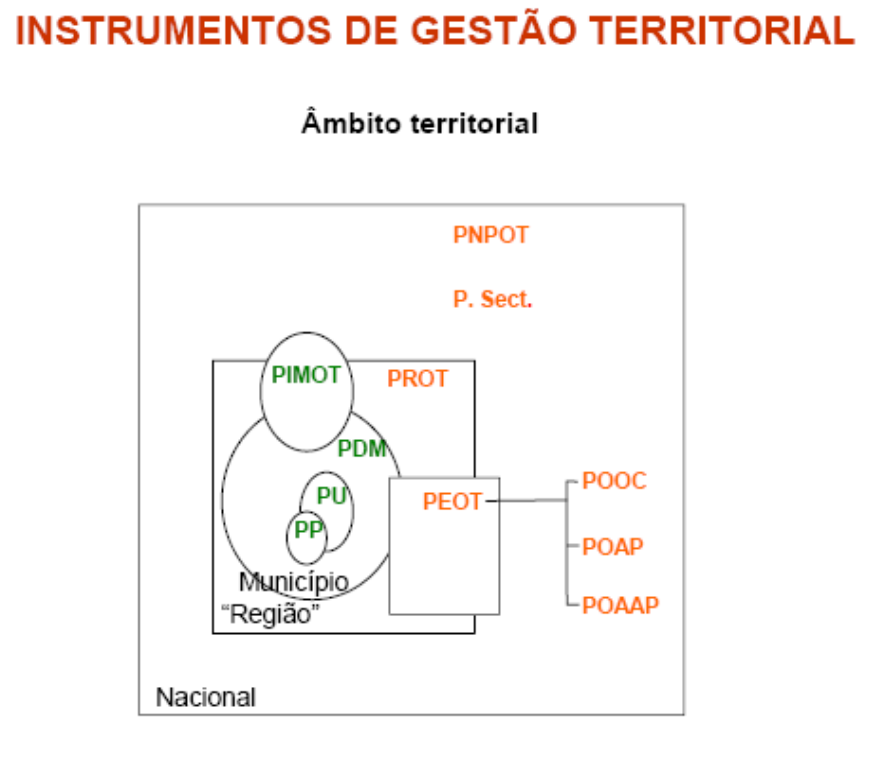
...

- urban and property policies do not have the adequate mechanisms of land supply, in the right moments and with the intended purposes;
- that there are not externalities compensation mechanisms (land, financial or tax) which could guarantee an adequate property supply, preventing land retention...

# new urban problems

- Traditional plans + New urban agents = New urban problems
  - deterioration of both natural and built environment
    - plans helped to transform rural into urban land and to increase building opportunities!
  - new urban patterns = fragmented urban image (sprawl, gated condominiums,... ) and centres without people (Lisbon and Oporto lost 1/5 of his population in 10 years)
  - increased dimension of urban projects;
  - plans created a new currency: the square meters of building... and we don't discuss the urban models / paradigms (no vision for the city!)

# “new” Portuguese legal framework (Spatial Planning Framework Law, 1998)



# Proposals Spatial Planning Framework Law, 1998

## National

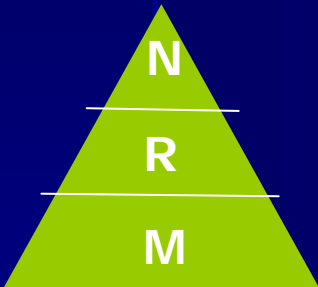
- PNPT – first National Spatial Strategy (2006)
- New Urban Policy (2007)

## Regional

- PROT – five Regional Spatial Plans (2007)

## Municipal

- PDM – Local Spatial Plan (after 2007)
- Weak financial situation of Local Authorities – but with European funds 2007/2013



# the law & expectations

## New agenda and planning methods

- we need a new agenda - a strategic framework to spatial planning - sustainability and intergeneration solidarity and spatial competitiveness;
- a new instrument - "Variable geometry" (plan, strategy and project)
- reinvent "the plan"
- Implementation of plans (how to do it, when, where and with whom)

# the law & property and agents

## New implementation conditions of plans

- **how** - equity approach, defining compensation processes which guarantee the fair redistribution of resulting costs and benefits among stakeholders
- **with whom** ... a new relationship between plans and urban development agents ... implementation of public-private partnership (PPP)
- **where/when** - the principle of programmed urban development



We are still in beginning...

But we need technical and financial support... the idea of a national program of operational urban planning (JC, 2006)



Thank you

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