

Urban Planning Simplex



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1. Background

Included in the Mais Habitação (More Housing) package, Decree-Law 10/2024 was published on 8 January to reform and simplify town and country planning procedures and certain related matters (SIMPLEX).

In this context, several pieces of legislation have been amended, such as the Legal Framework for Urban Development and Construction (RJUE), the General Regulations for Urban Buildings (RGEU¹), the Legal Framework for Territorial Management Instruments (RJIGT), the Law on the General Principles of Public Land, Spatial Planning and Urban Planning Policy and the Legal Framework for Urban Rehabilitation.

2. Entry into force and pending processes

The changes introduced by the SIMPLEX apply to all procedures started before its entry into force, with the **exception of the formation of tacit consent in urban planning procedures**.

The amendments apply to all procedures started before the entry into force of the law.

In general, the law will enter into force on **4 March 2024**, although there are amendments that will enter into force on **1 January 2024**:

- The abolition of the obligation to present the use permit and the residential property technical file when transferring ownership of urban property.**
- Enlargement of the range of urban development operations considered to be of minor importance and exempt from licensing or prior communication.**
- Amendments to the RGEU**
- Reducing the number of situations that require the prior binding opinion of Cultural Heritage or of the Regional Coordination and Development Commissions.**
- Elimination of the need to obtain the approval of the condominium owners meeting to change the use of autonomous units to residential use.**

The following deadlines have also been set:

8 April 2024	Publication in Diário da República (the official gazette) of urban planning regulations organised by municipality.
6 January 2025	Issuance of opinions through the Electronic System for Issuing Opinions.
5 January 2026	Start of operation of the Electronic Platform for Urban Planning Procedures.
1 June 2026	Repeal of the RGEU.
1 January 2030	Mandatory submission of architectural plans in accordance with BIM methodology.

In this document, we highlight the changes resulting from the SIMPLEX that appear to be of greater practical relevance from the point of view of the implementation of urban development projects².

¹ Which will also be repealed by law, but with effect from 1 June 2026, when it is expected that the appropriate technical rules for the preparation of urban development projects will already be included in a Building Code
² This document is intended to be distributed to clients and colleagues. The information contained in it is provided in general and abstract terms. It should not serve as a basis for any decision without qualified professional assistance tailored to the specific case. The content of this document may not be reproduced, in whole or in part, without the express permission of the publisher. If you would like further information on this topic, please contact PLMJ planning team, in particular Andreia Candeias Mousinho (andreia.candeiasmousinho@plmj.pt) ou Benedita Lacerda (benedita.lacerda@plmj.pt).

3. The types of urban planning procedure

On the basis of simplification of procedures and with a view to administrative speed and efficiency, the implementation of urban planning operations is now grouped in the following blocks:

Exempt from licensing or communication

Prior communication

Licensing

Prior communication with deadline

In the case of urban development operations subject to prior communication, the interested party **may not opt** for licensing.

In the case of an application for a licence for an urban development operation that is subject to prior communication or that is exempt from licensing or prior communication, the competent authority may issue a decision **terminating the procedure**.

There are now urban development operations which, because they have been preceded by a favourable prior information request (with certain characteristics and content), are included in the block of operations that are exempt from licensing or prior communication.

3.1. OPERAÇÕES ISENTAS

Conservation works.

Works inside buildings or their units that **improve, do not damage or affect** the stability of the structure, which do not involve changes to the height, shape of the façades, roofs or roof coverings, and that do not involve the removal of façade tiles, regardless of whether they face the public road or the courtyard.

Works of minor urban planning significance.

The alterations referred to in paragraphs 4 and 5 of Article 6 of the RJUE.

Reconstructions and extensions that do not increase the height of the façade, **even if they increase the number of storeys and the surface area**.

Reconstruction works in areas subject to a public utility easement or restriction which do not result in an increase in the height of the façade, **even if they involve an increase in the number of storeys and an increase in the floor area**.

Any work necessary to comply with a compulsory works order.

Urban planning operations preceded by favourable prior information (with certain characteristics and contents) - see below.

Demolition works if the buildings are illegal.

Land subdivision operations in an area covered by a detailed plan with registration effects.

Urban planning operations introduced and/or modified by Simplex are highlighted.

The above exemptions do not apply if the property in question is classified or in the process of being classified, if the property is part of a complex or site that is classified or in the process of being classified, or if the property is located in a protected area for classified properties or properties in the process of being classified. In the case of works of limited urban planning significance, this effect does not occur only in the case of properties classified as being of municipal interest.

The municipalities retain their powers of control during and after the works, as well as the possibility of ordering measures to restore legality.

In the case of works that affect structural stability, a declaration of responsibility must be issued by a qualified technician stating that the works, taken as a whole, improve or do not damage the structural stability compared to the situation in which the property actually existed before the works, and this document may be requested during any inspections.

The list of works of limited urban planning significance provided for in the legislation now includes situations where the materials in the openings have been replaced with others which, by providing an exterior finish identical to the original, promote energy efficiency.



3.2. PRIOR COMMUNICATION

Land subdivision operations in areas covered by:

- i) A detailed plan, published after 7 March 1993, containing an urban design and providing for the division of land into plots, the maximum number of dwellings and the implantation and programming of urban development and building works (*); or
- ii) Execution unit that defines the basic polygon for the implantation of buildings, the construction area, the division into plots, the maximum number of dwellings and the implantation and programming of urban development and building works.

(*) The detailed plan and the Execution Unit are considered to have a programme of urban development and building works when their delimitation cumulatively includes: (i) the urban development works to be carried out and the connections to the general infrastructure; (ii) the areas set aside for areas reserved for green areas, facilities for collective use and road infrastructure; and (iii) the cost of the urban development works; and (iv) the timetable for the urban development and construction works.

Urban development works and land remodelling works in an area covered by:

- i) A detailed plan, published after 7 March 1993, providing for the execution and timing of urban development and construction works; or
- ii) Land subdivision operation; or
- iii) Execution unit that provides for the implantation and programming of urban development and construction works; or.

Construction, alteration or extension works in an area covered by:

- i) A detailed plan; or
- ii) A land subdivision operation; or
- iii) An Execution Unit that determines the plots, the alignments, the basic polygon for the implantation of the buildings, the total height of the buildings or the height of the façades, the maximum number of dwellings and the construction area and the respective uses.

Construction, external alteration or extension works in a consolidated urban area, in accordance with municipal or inter-municipal plans, which do not result in a building with a height greater than the most common façade height on the side of the street where the new building is located, on the section of the street between the two nearest crossroads on either side.

The construction of swimming pools belonging to the main building.

Changes in the use of buildings or their units, or in the information contained in a use permit already granted, if they are not preceded by urban planning operations subject to prior control.

Urban planning operations introduced and/or modified by Simplex are highlighted.

3.3. LICENSING

Land division operations in an area covered by:

- i) A detailed plan, published after 7 March 1993, containing an urban design and providing for the division of land into plots, the maximum number of dwellings and the implantation and programming of urban development and building works; or
- ii) Execution unit that defines the basic polygon for the implantation of buildings, the construction area, the division into plots, the maximum number of dwellings and the implantation and programming of urban development and building works.

Urban development works and land remodelling works in an area not covered by:

- i) A detailed plan, published after 7 March 1993, providing for the execution and timing of urban development and construction works; or
- ii) Land division operation; or
- iii) Execution unit that provides for the implantation and programming of urban development and construction works; or

Construction, alteration or extension works in an area not covered by:

- i) A detailed plan; or
- ii) Land division operation; or
- iii) An Execution Unit that determines the plots, the alignments, the basic polygon for the implantation of the buildings, the total height of the buildings or the height of the façades, the maximum number of dwellings and the construction area and the respective uses.

Works for the conservation, rebuilding, extension, alteration or demolition of listed buildings or buildings in the process of being listed, as well as buildings forming part of listed or protected complexes or sites, and works for the construction, rebuilding, extension, external alteration or demolition of buildings located in protected areas for listed or listed buildings.

Reconstruction work resulting in an increase in the height of the façade.

Demolition work on buildings not covered by a licence for rebuilding work.

The construction, extension or demolition of buildings in areas which are subject to a public utility easement or restriction, without prejudice to the provisions of specific legislation.

Urban development works that result in the removal of façade tiles, regardless of whether they face the public highway or the courtyards

Urban planning operations introduced and/or modified by Simplex are highlighted.

Doubts

Licensing is no longer the **subsidiary regime** for non-typified urban planning operations, nor are any of the other types of procedure provided for.

3.4. PRIOR COMMUNICATION WITH DEADLINE

Changes in the use of buildings or their units, or in the information contained in an use permit already issued, which are not preceded by urban development operations subject to licensing or prior communication.

Use of new buildings or new units following conservation work.

The use **permit procedure has been abolished and the use permit has disappeared.**

After urban development works subject to a licence or prior communication, **there is no longer any need for an authorisation act**, and it is sufficient to submit the declaration of responsibility and, only if there have been changes to the licensed or communicated project, the final plans.

Doubts

Could there be an error in the reference to the article on conservation works? According to the definition of “conservation works”, these do not result in new buildings.

4. Procedures and related documents

4.1. PRIOR COMMUNICATION

The **process for prior communication** is very similar to the one prior **to the SIMPLEX**. However, the following should be noted:

- Once the prior communication has been submitted, and **within a maximum of 15 working days**, the applicant may be notified **once only** to correct or complete the communication under penalty of outright rejection, for which purpose the applicant will have 15 working days. If there is no request to correct or complete the communication, or if it is rejected outright, the prior communication is considered to have been correctly submitted and the municipality cannot request any corrections or additional information.

The prior communication **is validated by proof of submission**.

In the case of land subdivision operations, the prior communication is also validated by proof of the provision of security and the formalisation of the transfers to the public domain - the latter to take place within 20 working days of receipt (not outright rejection) of the prior communication - or a municipal declaration of the unenforceability of the transfers of property to the public domain.

Doubts

Whenever a security deposit has to be provided, the interested party is notified of this duty, and the prior communication takes effect once the applicable fee is paid.

If this notification is not made within 15 days, the prior communication takes effect regardless of payment. When does the 15-day period start?

The execution of the works included in the prior communication can only begin after **the payment of the urban planning fees due** - by self-assessment - under the terms and conditions defined in the municipal regulations. The period for payment of the fees cannot be less than **60 working days** from the end of the period for correcting or completing the communication (i.e., 15 working days).

In the case of works to be **carried out in stages**, the interested party may submit the architectural project in a first prior communication and any other works to be carried out in subsequent prior communications.

4.2. LICENSING

After the licensing application has been submitted, and **within a maximum of 15 working days**, the applicant may be notified **once only** to correct or complete the communication under penalty of outright rejection, for which purpose the applicant will have 15 working days. If there is no notification to correct or complete the application, or if it is rejected outright, the application is considered to have been correctly submitted and no corrections or additional information may be requested by the municipality

Doubts

The subsequent terms of the procedure are suspended from the tenth day following receipt of the notification. Does this mean that the suspension is only for 5 working days?

The licence application for an urban development operation can immediately include the application for a licence to occupy the public highway.

The administrative procedure must continue during the period between the request for an opinion, authorisation or consultation and its issue or the expiry of the respective deadline.

The power to approve licences lies with the municipal council, but it is possible to delegate it to the president of the council and sub-delegate it to councillors and municipal departments.

The authorisation to carry out the urban development operation will now be proof of payment of the respective fees, and **there will no longer be such a thing as a “building permit certificate”** (*alvará de licença de construção*).

The date of **payment of the fees** is the reference from which the deadline for completion of the works is counted. The deadline for carrying out the works will be the one set by the applicant at the time of the application.

The obligation to post a **notice** at the construction site has been abolished.

Police assistance is no longer required when carrying out urban development work, even if it involves blocking the public highway.

There is no longer a limit on the number of extensions of the building permit or to the time limit specified in the prior notice.

New deadlines for decisions on licences and tacit approval

The time limit for taking a decision on a licence application runs from the date on which the application is received, regardless of whether the remediation phase has taken place or whether external bodies have been consulted; only in cases of inertia on the part of the person concerned will the time limits for the licensing procedure be suspended.

If the decision is not taken within the time limit, there is tacit approval.

Construction, rebuilding, alteration or extension, conservation and demolition work carried out on a property with a gross building area of 300 m² or less.	120 days
Construction, rebuilding, alteration or extension, conservation and demolition works carried out on a property with a gross building area of more than 300 m² and less than or equal to 2200 m² , as well as in the case of listed buildings or those in the process of being listed.	150 days
Urban development works, land subdivision operations and, in the case of construction, rebuilding, alteration or extension, conservation and demolition works carried out on a property with a gross building area of more than 2200 m².	200 days

If the decision is not taken within the set time limit, the application is tacitly approved and the private party now has the right to build. However, a decision that has been tacitly granted may be null and void under the general provisions of the law (for example, if it violates municipal plans, subdivisions or binding opinions).

In order to **prove the existence of tacit approval** and the ownership of acquired rights, **an electronic certificate of tacit approval may be requested free of charge.** The certification must be requested from the Agency for Administrative Modernisation, I.P. via the ePortugal website.



The municipality’s powers of scrutiny

The SIMPLEX has clarified the municipality’s powers of scrutiny in licensing procedures, with the municipality **only being able to analyse the architectural project**, specifically with regard to:

Municipal or inter-municipal land use plans.
Preventive measures.
Priority urban development area.
Priority construction area.
Administrative easements and public utility restrictions.
The proposed use.
The legal and regulatory standards relating to the external appearance and urban and landscape integration of the buildings.
The sufficiency of the infrastructure.

Any provisions of development plans, or municipal regulations or decisions of the bodies of the authorising entities, which grant the municipality powers of control in addition to those listed in the table above, or which grant powers of control in relation to the matters referred to in the previous paragraph, are **null and void**.

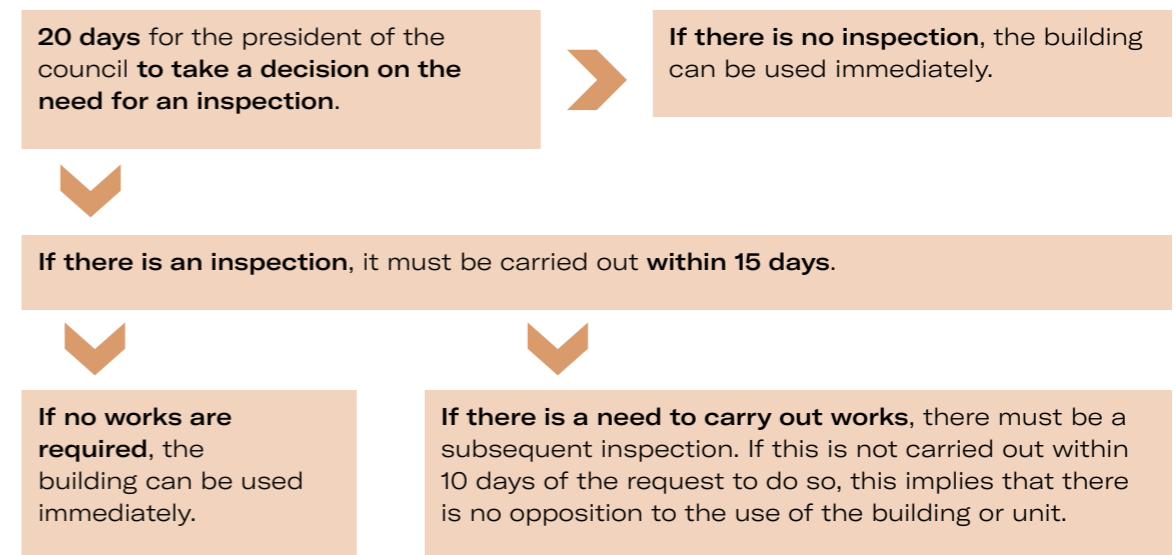
It is clarified that municipalities **may not scrutinise matters relating to the interior of buildings, special projects or the existence of compartments or locations for litter bins or other street furniture**.

Changes during construction

Except for extensions or alterations to the site, changes to the project may be made on site by means of a communication, **provided that this communication is made when the documents prior to the use of the building are sent**. The wording of the law does not allow us to understand whether, in addition to these situations, there are others that cannot be communicated prior to use.

4.3. PRIOR COMMUNICATION WITH DEADLINE – USE

Submission of the communication



Relationship with the rules on horizontal ownership

The request for a certificate that the building complies with the horizontal ownership rules may accompany the prior notification of the use of buildings or their units.

The SIMPLEX also amends the Civil Code with regard to changes in the use of units, establishing that, whenever the constitutive title does not provide for the purpose of each autonomous unit, a change of use requires the authorisation of the general meeting of the owners, approved by a majority representing two-thirds of the total value of the building.

However, **the change of use of the units to residential use does not require the approval of the other unit owners**.

Relationship with the rules governing engaging in economic activities:

The delivery and deposit of the documents relating to the use of the building and its units can be made at the *Balcão do Empreendedor* (Entrepreneur’s Desk) when applying to set up a business.

5. The new effects of the Prior Information Request (PIR)

The SIMPLEX establishes that a favourable PIR has the **effect of dispensing with licensing or prior communication** in the following situations:

When the PIR is issued under the terms of Article 14(2) and (3) and contains the information referred to in Article 14(2)(a) to (f).

Urban development operations in an area subject to a detailed plan or land subdivision operation.

Land subdivision operations in areas subject to the Execution Unit that defines the basic polygon for the implantation of buildings, the construction area, the division into plots, the maximum number of dwellings and the implantation and programming of urban development and building works).

Urban development operations and land remodelling works in an area subject to an Execution Unit (which provides for the implantation and programming of urban development and construction works).

Urban development operations involving construction, alteration or extension in an area subject to an Execution Unit (which provides for plots, alignments, the basic polygon for the implantation of buildings, the total height of buildings or the height of façades, the maximum number of dwellings and their uses).

It is considered that there is a numbering error in the legislation in question.

The above-mentioned urban development works must be started within **2 years of the positive decision of the PIR** and are always accompanied by a declaration from the authors and coordinators of the projects that they will respect the content, terms and conditions of the positive PIR.

At the end of the two-year period, the private party can ask the president of the council to clarify whether the legal and factual assumptions that led to the previous positive decision are still valid. The president of the council must decide within 20 days, and there is a 1-year period for submitting applications for a permit or prior communication if the assumptions are still valid or if the president of the council has not responded within the legally prescribed period.

Doubts

In the event that the legal and factual conditions of the PIR are confirmed, the law is unclear as to whether the effect of the urban development exemption will be maintained, as it sets a deadline of one year for submitting the licence or prior communication application.

6. Limitation on the powers of municipalities

The SIMPLEX provides for a reduction in the scope of municipalities’ regulatory powers with regard to urban planning procedures in order to harmonise procedures at the national level.

The official gazette *Diário da República* will now make available on its website a separate section entitled “Urban Planning Regulations”, which will contain all the regulations adopted under this article, broken down by municipality.

Supporting documents/information that may not be required to be submitted with the application for licensing or prior communication:

- Forms of authentication, recognition or certification of signatures on documents.
- Copies of documents held by the municipality, such as certificates of operation and registers.
- The land tax register.
- Copies of permanent certificates, in which case it is sufficient to indicate the number of the permanent certificate.
- The safety plan.
- The safety report.
- The digitalised construction site diary.
- Copies of the citizen's card, identity card or professional licence.
- Declaration of professional qualification of the technicians responsible for the projects.
- Declaration of responsibility by the responsible technician certifying that the operation complies with the General Noise Regulation.

7. The specific case of consultation with the Cultural Heritage Authority or the Regional Coordination and Development Commissions (CCDR, I.P.)

Urban development operations relating to the construction, rebuilding, alteration, extension, conservation or demolition of buildings located in areas protecting listed buildings or buildings of national or public interest are exempt from prior consultation with the cultural heritage authority (Património Cultural, I.P.) in the following cases:

- o Alteration works inside the property that have no archaeological impact or impact on relevant architectural elements and their integrated heritage;
- o Conservation works on the exterior of the property without altering significant architectural elements, including the painting of the buildings without changing their colour;
- o Urban development operations expressly mentioned in the ministerial order establishing the special protection area;
- o The installation of advertising hoardings, signs, awnings, terraces and street furniture, whereby the cultural heritage authority may establish rules and criteria for their use.

The SIMPLEX establishes that, in the case of an application for a licence for a property classified as being of national or public interest, and where an opinion is requested from Património Cultural, I.P. or the CCDR, I.P., the municipal councils are prohibited from requesting new opinions on cultural heritage matters, even from their internal departments.



8. New way of paying fees

The SIMPLEX removes the regulatory power of municipalities to indicate the institution and bank account number where the amount of fees due can be deposited, and the body to which payment must be made.

Fees are now paid electronically through the issuance of a single collection document using the Public Administration Payment Platform. However, it is expected that in the future this option will be integrated into the Electronic Platform for Urban Planning Procedures.

9. Transfers to the public domain and compensation

In order to create the conditions for more affordable housing, **the law provides for the implementation of transfer of property to the public domain for public, cost-controlled and affordable rental housing.**

This obligation is established for land subdivision operations, but also for operations with significant effects and effects similar to land subdivision, to be defined in municipal regulations.

The parameters for determining the size of the areas reserved for housing are to be regulated by ministerial order, and these parameters may be defined in municipal plans.

With regard to compensation for not transferring land to the public domain, and **in the case of urban development operations in which urban development works have been carried out**, the compensation due will be paid only when the urban development works have been carried out.

The possibility of waiving the transfer to the public domain and the consequent payment of planning compensation is not regulated in the case of operations with significant impacts and impacts similar to a land subdivision operation, which are subject to prior communication.

10. Urban development works

In addition to the simplification of the type of urban planning procedure that must precede the execution of urban development works, it is established that when a bank guarantee has been provided by a contractor to the interested party, the municipal council and the issuers of the guarantee **are obliged to accept the assignment of the contractual position of the interested party in favour of the municipality**, and it is exempted from providing a new guarantee.

For this type of work, **connection to public infrastructure networks is also simplified** if the connection work is carried out by **companies certified by the network managers**. In these cases, the developer is exempt from any formalities and the local authority cannot refuse to accept the works for any reason relating to these connections.

Doubts

In the case of urban development works that are exempt from the urban planning procedure, is there an obligation to provide a guarantee?
When must the guarantee be provided?

II. Urban development operations carried out by the public administration

The number of public bodies that can now **benefit from the exemption from the obligation to submit the execution of a series of works to a prior urban planning procedure has been extended.**

The beneficiaries of this exemption are:

- Municipalities, their associations and municipal and inter-municipal companies, in relation to urban development works and land subdivision operations in an area covered by a municipal or inter-municipal land use plan.
- The state, public institutions, including public real estate investment funds, universities and polytechnics, and public companies in the state and regional economic sectors, with regard to urban development operations and land subdivision operations intended for:

Facilities or infrastructure intended for the installation of public services.

Facilities or infrastructure for direct and immediate use by the public.

Facilities or infrastructure in port areas or in railway or airport public domain.

Facilities or infrastructure for housing or for persons benefiting from social policy, including student accommodation for students studying away from home.

Industrial, business or logistics parks and the like, including Responsible Business Zones (Zonas Empresariais Responsáveis - "ZER") and industrial and logistics zones.

Facilities or infrastructure for the preservation of cultural heritage.

Facilities or infrastructure for state-owned housing.

The exemption granted to **concessionaires of public works or services** is maintained for construction or demolition works if they are carried out in pursuance of the purpose of the concession.

An exemption is introduced for construction and alteration works on land developed by **housing cooperatives and other private entities for housing purposes**, provided that, following a tender procedure, an agreement has been reached for the transfer of the land by a state body.

Also exempt from prior urban planning control are **construction and renovation works relating to residential buildings for the elderly, crèches and such works within the framework of the Emergency and Temporary Accommodation Stock**, if they are publicly funded.

As part of land subdivision operations with urban development works undertaken by the state:

- There is no obligation to provide a guarantee for the proper execution of urban development works.
- The payment of compensation for not providing land for infrastructure, public green areas and facilities for collective use should be made only after the interested party has submitted the licensing project or prior communication or, in the case of an exemption, has started to carry out the operation.



12. The electronic platform

As of **January 2026**, the licensing, pre-planning and mere prior communication procedures must be processed through a single digital platform for the whole of Portugal, the Electronic Platform for Urban Planning Procedures.

However, municipalities that already had a platform can keep it, as long as it is possible to ensure interoperability with the Electronic Platform for Urban Planning Procedures. Municipalities cannot add procedural steps, formalities or documents to what they have defined in the Electronic Platform.

A digital platform will be implemented for the whole of Portugal.

This platform must ensure, among other things:

The receipt of automatic proof of the submission of applications and communications and the occurrence of tacit approval.

The automatic and electronic issuance of a certificate of exemption from prior control, using a simulator.

Automatic confirmation that applications have been processed and identification of the case manager.

Indication of the number of days remaining until the final decision is issued.

Payment of fees.

³ The BIM is a methodology for creating and sharing information throughout the project life cycle using a digital model that can be manipulated virtually.

13. The Building Information Modelling (BIM) methodology

The platform also **allows projects to be submitted in an open data format and in accordance with the BIM³ methodology.**

Submitting projects through this mechanism will therefore allow for automated checking of compliance with the rules on planning permission, territorial plans, municipal regulations and the RGEU (General Regulations for Urban Buildings). This will reduce the time needed to analyse applications.



14. Modular constructions

The SIMPLEX clarifies that the RJUE also applies to modular constructions, i.e., those characterised by the use of modular, structural or non-structural building elements or systems, which are partly or wholly manufactured in a factory and which are joined together beforehand or on site, regardless of whether they are removable or transportable in nature.

In this context, these constructions will be subject to authorisation, prior communication or exemption to the same extent as any other urban development operation.

There is also no longer any doubt that modular constructions must comply with the technical standards laid down by the RGEU.

15. Changes to the general regulation on urban building and related matters

The SIMPLEX repeals a number of RGEU (General Regulations for Urban Buildings) provisions that were in conflict with specific legislation, in particular on accessibility.

The rule which stated that, as a general rule, municipal councils could not grant any tolerance with regard to the provisions on the building as a whole - namely, distances between buildings - unless it was recognised that this was justified by exceptional and irremediable conditions existing before the publication of the RGEU, and only if the ventilation and natural lighting and, as far as possible, the insulation of the building on all its habitable floors were guaranteed under satisfactory conditions.

The SIMPLEX clarifies that the RJUE also applies to modular constructions, regardless of whether they are movable or transportable in nature.

Certain building requirements that were considered obsolete by the industry have also been modified, such as:

The requirement for bidets in bathrooms has been removed.

Bathrooms can have a shower instead of a bath.

Kitchen solutions such as kitchenettes or walk-through kitchens are allowed.

With regard to the technical rules for the preparation of urban construction projects, it has been established that these will be defined by the competent personal orders and as part of the development of the Construction Code by 1 June 2026.

In order to make the legislation compatible, Decree-Law 163/2006 of 8 August (which establishes the legal framework for accessibility) has been amended.

The decree that established the model and requirements of the construction site diary has been repealed, and this is no longer a required document in urban planning procedures.

16. Connection with the Environmental Impact Assessment Procedure (AIA)

According to the SIMPLEX, the application for planning permission or the submission of a prior communication of an urban development operation that the law makes subject to an Environmental Impact Assessment (EIA) may be made **prior to** the EIA application.

The conditions laid down in the Environmental Impact Statement (EIS) may determine the **modification of the urban development project without the need for any further formality or application to the municipal council**. This is the case when a conditionally favourable EIS has been issued, or when a decision has been made that the implementation project is conditionally in accordance with the EIS, if the EIA procedure has been carried out at the preliminary study or preliminary project stage.

17. Transfer of properties

The use permit certificate has been abolished, so it is no longer necessary to present such a document when transferring ownership of urban property⁴.

However, when carrying out legal transactions involving the transfer of ownership of urban property, the registrar, assistant or clerk, notary, lawyer or solicitor must inform you that the property may not have the necessary planning documents for use or construction.

When signing a public deed for the acquisition of ownership of a building or unit intended for residential use, it is no longer necessary for the notary to certify the existence of the technical data sheet for the dwelling and that it has been handed over to the buyer.

Credit institutions are also no longer obliged to provide the buyer with the technical data sheet when concluding a sale and purchase agreement with a loan, whether or not guaranteed by a mortgage.

The obligation to request a certificate issued by the municipal council stating that the urban development works have been provisionally accepted or a certificate issued by the municipal council stating that the deposit for the execution of the works is sufficient to guarantee the proper execution of the works is maintained when signing the deeds for **the initial transfer of buildings built on land or autonomous units within such buildings**.

⁴ Decree-Law 281/99 of 26 July, in its current wording, which establishes the rules applicable to the requirement to present a building or use permit before a notary when concluding acts transferring ownership of urban property, is repealed.

18. Land use planning

The SIMPLEX introduces a number of changes to land use planning legislation that are intended to speed up the planning process, particularly in relation to the development of public housing. The most important changes are:

Urban land

Simplification of the procedure for reclassifying rural land as urban land

Simplification of the procedure for approving and amending urban plans

Presumption that land use is compatible with residential use

Further specification in the Execution Units instrument

There is also the possibility of reserving land in urban plans for public, cost-controlled or affordable rental housing.

18.1. URBAN LAND

The SIMPLEX introduces an amendment to the **concept of urban land**, which is now considered to be land that has been fully or partially developed or built on and, as such, has been allocated for development or construction in a territorial plan or by decision of local authority bodies, in accordance with the law, by means of a contract to carry out the development and construction in question.

Doubts

Although a second part has been added to the concept - introducing the idea of the use of contracts for the execution of the works - is this concept really different and broader than the one that only refers to urban land as “that which is wholly or partially developed or built upon and, as such, is intended for development or building”?

The SIMPLEX states that developable land remains urban land if, cumulatively:

- It is still classified in a valid territorial management instrument as developable land or urban land with planned urbanisation;
- It is exclusively in public ownership;
- Its predominant intended use is residential; and
- Its development is part of the implementation of a local housing strategy or a municipal housing charter, or housing stock or housing at controlled costs, in accordance with Law 83/2019 of 3 September.

18.2. SIMPLIFICATION OF THE PROCEDURE FOR RECLASSIFYING RURAL LAND AS URBAN LAND

Simplified mechanisms have been introduced for the reclassification of rural land as urban land:

SIMPLIFIED PROCEDURE FOR LAND RECLASSIFICATION

Exceptional in nature and must be justified; requires the signing of a planning contract; only permitted if:

- i) It is intended for the **establishment of activities of an industrial, warehousing or logistics nature and related support services, or for dry ports**, and is not located in **sensitive areas, the National Ecological Reserve or the National Agricultural Reserve**;
- ii) It is intended for **cost-controlled housing or residential use**, provided that this is provided for in the Local Housing Strategy, the Municipal Housing Charter or Housing Stock.

RECLASSIFICAÇÃO POR VIA DE ALTERAÇÃO SIMPLIFICADA DO PLANO MUNICIPAL

Common procedure for the simplified modification of a municipal plan;

No justification required if the redevelopment is provided for in the Local Housing Strategy, the Municipal Housing

Charter or Housing Stock, or cost-controlled housing; permitted only if:

- i) The purpose is residential;
 - ii) The land is exclusively in public ownership;
 - iii) The areas to be reclassified are adjacent to urban areas.
-

18.3. SIMPLIFICATION OF THE PROCEDURE FOR DRAWING UP AND AMENDING MUNICIPAL PLANS

The **monitoring phase** of the procedure for drawing up and amending urbanisation plans and detailed plans, which was previously optional, **is no longer provided for**.

In addition, the SIMPLEX **shortens the period for the procedural conference**, which must be held at the latest **20 days** after the territorially competent Regional Coordination and Development Commission has received the draft plan and the environmental report.

The procedural conference brings together all the organisations representing the interests to be taken into account in the plan. **The minutes of the conference replaced the opinions that public bodies could issue.**

The rule that provided for a consultation phase with public bodies that expressly and justifiably disagreed with the future plan **was abolished**.

Thus, after the monitoring phase, the municipal council must prepare the version of the draft plan to be submitted for public discussion, choosing the solutions it considers most appropriate and ensuring their legality.

18.4. THE PRESUMPTION OF COMPATIBILITY OF LAND USE WITH RESIDENTIAL USE

The SIMPLEX provides for a mechanism that makes it possible to presume that land that is exclusively in public ownership can be used for residential purposes.

In order for this presumption to apply, **a notice of intention to promote residential use must first be submitted to the municipal council**. Within a period of 20 working days from the date of such notification, the municipal council may oppose the presumption for duly substantiated reasons of public interest, including:

- Noise
- Parking facilities
- Existing transport systems
- Green areas and public and leisure facilities.

If there is no objection, **residential use is presumed to be compatible** and the provisions of the plan relating to neighbouring properties with which the plot in question is capable of forming a harmonious unit apply, with the necessary adaptations.

The SIMPLEX provides for the presumption of compatibility of the conversion of land to residential use. Residential use and the construction of new residential buildings, taking into account urban areas classified in the territorial plan as areas for facilities, trade and services.

18.5. EXECUTION UNITS

The SIMPLEX has added to the content of Execution Units, stipulating that their delimitation may include:

Urban design.

Plots, alignments, basic polygon for the implantation of the buildings, total height of the buildings or the height of the façades, division into plots, maximum number of dwellings, construction area and the respective use.

Programming of urban development works.

Use of contracts to implement it, i.e., the conclusion of an urban development contract for its development.

By including these elements, the existence of an Execution Unit means that subsequent urban planning operations – subdivision, urbanisation and/or construction – must be preceded by prior information or, if they are the subject of a favourable request for prior information, are exempt from licensing or prior communication.

19. The subsequent regulation of the SIMPLEX

De acordo com a alteração legislativa, existem matérias que têm de ser regulamentadas, designadamente, por Portaria, em particular:

Supporting documents for procedures.

Electronic platform for urban planning procedures.

Declaration of responsibility for the use of buildings to be included in the documentation of the prior communication for the use of buildings (without prior urban planning procedure).

Templates for permits, replies to prior communications and acts to be carried out by technicians in accordance with this law.



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