

## **Procedure of Local Plans' formulation Efficiency**

**| Case studies analysis |**

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### **ABSTRACT**

At the present national economic background, it's getting more and more important to hasten and make clear all procedures related to decision-making, in order to prevent loss of oportunities. It's also very important to create legal, administrative, economic and social conditions able to manage both public actions and options.

As part of a research project called "PERCOM – Equity and efficiency in the urbanization process: a land readjustment execution model"<sup>2</sup>, this dissertation focuses on the efficiency and procedure of Local Plans' formulation. This way, and acoording to a bibliographic overhaul, there will be studied the basic background and theoretical concepts able to endure pratical component, focusing on local plans' characterization, legal framework through the last 15 years, stakeholders' identification important for this planning process, and especially on the procedure of Local Plans' formulation. All of this subjects will be studied through a bibliographic overhaul.

On the second part of this dissertation, all local plans' formulation times will be identified and fitted in all considered reference periods. However, the main focus of this work is research, study and critically analyze all interviewed counties. After this, it was possible to link information from national local plans' characterization and therefore discuss all relevant results, in order to speed up all these processes.

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### **KEYWORDS**

Local Plan, Efficiency, Procedure of Local Plans' formulation, Formulation time, Procedure's time, Land Readjustment

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## 1. INTRODUCTION

If men used to have a strong connection with the environment, because depended on it, nowadays it has become less notorious due to an economy more and more industrial based. The natural land changes were highlighted with politic, sociocultural and economic connections, and so have people and goods' localization (Veiga, 2005). For Lacaze (1995), cities clearly show those civilizations' stages through time, being nowadays a big challenge to the actual sociocultural, politic, environmental and ideological realities related to the Insurance factor (Ferreira, J. e Reis, J., 2013).

The present dissertation intends to contribute to the research project PERCOM, taking place at CESUR<sup>3</sup>, whose main goals are characterize and critically analyze the national practices of equity at detailed plans, in order to contribute for an even more efficient equalized model, fitted at the problem of interests behind the process of urbanization. The matter of these procedures' efficiency intends to clarify the questions of the research behind this project, related to the "identification of procedure's formulation efficiency level, Local Plan approval and attendance". XX

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## 2. GOALS

In order to improve the procedure of Local Plans' formulation, this dissertation claims:

- \_ Identification of LP formulation time in Portugal;
- \_ Identification of LP attributes with shortest and longest elaboration time;
- \_ Analysis of influent factors at LP formulation processes, based on studied cases;
- \_ Presentation of suggestions based on both interviewed and studied cases, in order to reduce procedures.

Considering that opportunities' loss for the LP execution is related to its long procedures' time, and even considering that their legislation has been through several changes in order to make clear all procedures at administrative levels, here are some questions from this research:

- \_ Is there any connection between LP and counties' attributes and their formulation time?
- \_ Are both normative changes and politic cycles, intrinsic factors that truly have influence on this procedure's process?
- \_ Is there any connection between procedure's formulation and LP intrinsic attributes?

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## 3. METHODOLOGY

As a methodology, this dissertation resorted to information from the research, completing and using it for several analysis presented here. The figure 1 systematizes all methodology, so that we can discuss obtained results from county technical interviews, statistical analysis from the collected information and later related with LP formulation time and studied cases analysis.

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<sup>3</sup> Centro de Estudos Urbanos e Regionais (Urban and Regional Studies Center)

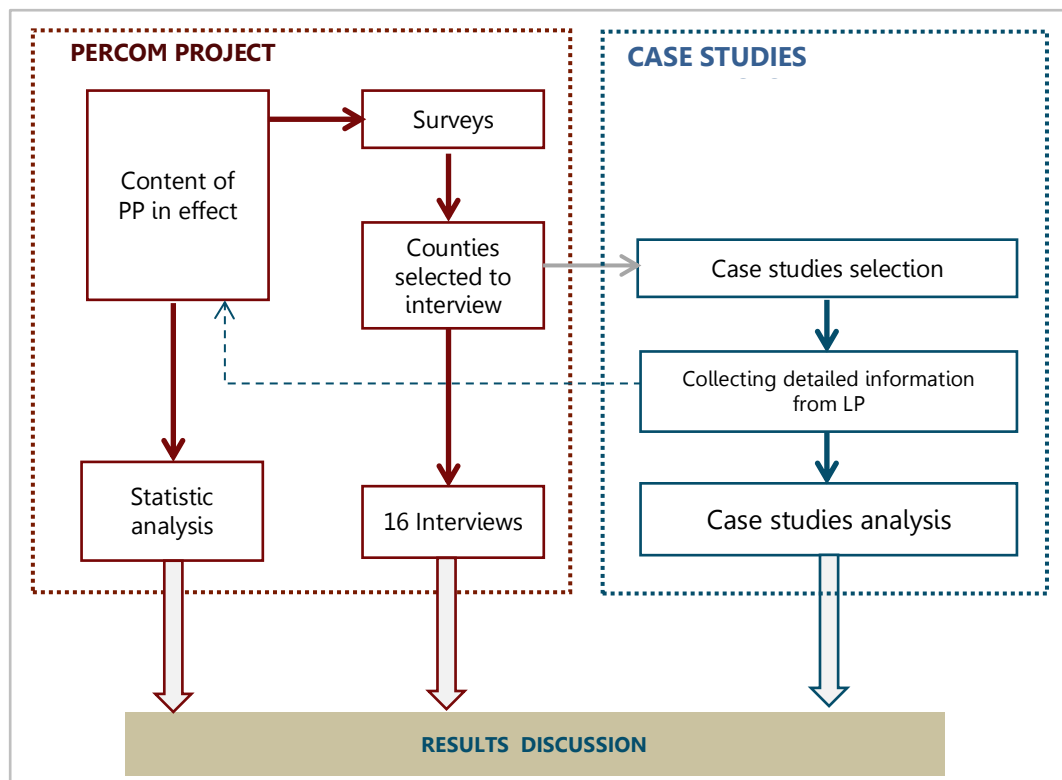


Figure #1| Methodology of the applied analysis on this dissertation

#### 4. TERRITORIAL MANAGEMENT AND LOCAL PLAN

Territorial management is considered a scientific discipline, an administrative technique and a set of economic, social, cultural and ecologic politics. It's a way to have a solid politic to ensure better life conditions for those that are directly and indirectly linked to it.

The first local government law took effect in 1977. However, their territorial management competitions were only decided at the Act 69/90, replacing a set of rules from all municipal plans. Later on, with Land Use Planning and Urban Development Policy Law (LBPOTU') approval, both contents and extents from planning's elements were made clear, making it possible to define a table of politics for urban and territorial management, goals, principles, instruments, and it was also possible to establish a regulation between different public administration levels (central, regional and local).

With the Legal Regime of Territorial Management Instruments (RJGT') publication in 1998, it was possible to legally fit Territorial Management as a fundamental task of the State, being a previewed and expressed situation at the article number 9 from the Portuguese Republic Constitution from 1976.

RJGT came to join at the same dimension both Urban and Territorial Management, considering this politic as the one that will unite all the actions promoted by Public Administration, being territorial planning also recognized as a local government duty. This legal system made all plan and urban management's renewal possible, establishing new rules and instruments, distinguishing approach scales and political action domains from territorial development and management.

Being the city plan a very important component on the urban development process, it's up to their stakeholders to identify and solve opportunities and conflicts that come from these territorial and urban development questions. As a result, Local Plans (LP) become more and more important as a natural instrument able to strategically assume options for the county, linked to upper levels (national and regional). Facing the actual needs, RJIGT has suffered 9 modifications through the last 15 years. Among them, 3 took an important role on the influence at the procedures' elaboration, especially those that came with the Act 316/2007, whose focus was to accelerate and expedite those procedures' efficiency according to a set of regulations.

Considered an instrument to create urban politics, LP have very own attributes such as their goals, scales of interventions and also their planning time horizon which is developed for. Being a privileged instrument for city politics and for all citizen rights, LP have a very important and clear position when it comes to take decisions, being considered as a flexibility tool suitable for the current market, speed and transparency.

Material and documental content, defined at the RJIGT, must be published at Republic of Portugal, Series II (DR). Among other elements, the plan must also have: report, environmental report, performance program and financial plan, report with all public discussions, statistic data file, extracts of all elements linked to Territorial Management Instruments taking place at the intervention area, fire risk cartography, acoustic classification, existing situation state and all information related to transformation of the land ownership structure, technical pieces that represent the plan proposal and also a set of written and drawn pieces that can come in hand for those who wants their own property registration. With the Act 46/2009, LP came to be regarded as a specific modalities: Intervention in rural areas plans, urban rehabilitation plans and protection and safeguarding plans.

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## 5. PROCEDURE OF LP FORMULATION

Procedure of LP Formulation involves the fulfillment of several successive stages, each one of them composed of a set of chained procedures. The whole process goes through 6 stages (figure 2), located between the formulation proposal moment and the final publication at DR.

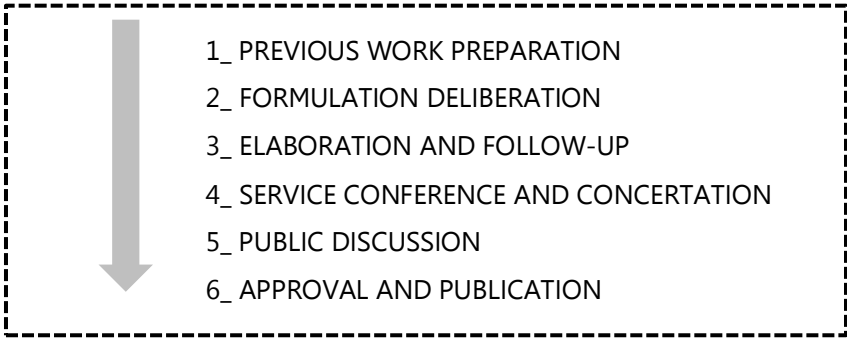


Figure #2| Chained stages of Procedure of LP Formulation

Although there's not a minimum time for each stage, some of them have defined time limits in law, which are more related to administrative than technical factors.

## 6. NATIONAL CHARACTERIZATION OF LP FORMULATION TIME

### LP FORMULATION TIME

To identify these LP Formulation time at a national level, it was considered a Reference Period (between publishing the Plan's formulation and approving it at DR for all studied plans). So, there were established 3 propositions to look over at the same time for each LP:

- 1 \_ LP in force
- 2 \_ LP published before RJIGT take force
- 3 \_ LP with elaboration beginning right before RJIGT take force

According to the 1st criteria, there were fit 221 counties and their 840 LP; according to the 2nd criteria, there were fit 466 LP, and according to the third criteria, there were fit 245 LP from their 169 counties.

Considering a thirty-day scale (monthly scale), the time fit of these LP was made according to 3 dates:

- \_ Formulation deliberation \_ decision took at the Municipal Assembly, published dated and announced at the DR, and from this moment on, all technical procedures begin.
- \_ Public Discussion Period \_ with the announced time at the DR, is represents the second legally obliged period moment of the public discussion.
- \_ Approval and Plan publishing in force \_ with the announced time at the DR, it's the final period of this Plan process.

These three data allowed identifying the effective time period of each LP Formulation, and also 2 partial time periods. At the following table number 1, there's a representation of each one of those average time periods.

- \_ Partial time 1 \_ fit between formulation consideration and diffusion of public discussion period moment at the DR.
- \_ Partial time 2 \_ fit between diffusion of public discussion period moment at DR and its publication at the DR.

Table #1 | LP formulation time periods per region

PERÍODS	Formulation Time (months)	Norte	Centro	LVT	Alentejo	Algarve
PARTIAL TIME 1	Minimum time	5	7	3	2	6
	Maximum time	114	108	130	126	60
	<b>Medium time</b>	<b>34,4</b>	<b>38,9</b>	<b>45,4</b>	<b>33,0</b>	<b>29</b>
PARTIAL TIME 2	Minimum time	2	2	2	2	2
	Maximum time	60	67	71	72	32
	<b>Medium time</b>	<b>17,9</b>	<b>13</b>	<b>12,7</b>	<b>14,9</b>	<b>8,8</b>
<b>TOTAL TIME</b>	Minimum time	<b>15</b>	<b>12</b>	<b>12</b>	<b>8</b>	<b>9</b>
	Maximum time	121	130	135	141	70
	<b>Medium time</b>	52	53	58	58	38
	<b>Número of LP</b>	32 PP	47 PP	66 PP	75 PP	25 PP

Considering all these, the same table synthesizes the global time periods for the 245 LP formulation procedures, distributed for each region and represented for its maximum, medium and minimum time periods. Here, the medium time period for national level formulation was from 54 months (4 and a half years). Alentejo and Lisbon and Tagus regions were those that showed a medium time period above the average and Algarve showed a time period below it.

## ESTATISTIC ANALYSIS

In order to validate theoretical cases (C1 and C2), connections between LP and counties' attributes were made, where formulation time is present too.

**C1** \_ Formulation time can be related with plans' attributes;

**C2** \_ Formulation time can be related with counties' attributes.

Realized at the scope of PERCOM project, there were made a statistical analysis through a simple linear correlation matrix (considering both LP and counties' attributes, and also a multiple linear regression through those same attributes. With these results, it was possible to identify attributes related to expansion LP that positively interfere at the formulation time, and on the other hand, restructuring LP negatively interfere on it. The numbers of owners, the land readjustment development level and the industrial usage have a significant influence at the LP formulation time. In relation to the counties' attributes, the results were not as clarified as the previous ones. When these attributes are put together, the LP formulation time is bigger when we are facing a house-expanding LP, with private proprieties and located at counties with bigger population density and financial independence.

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## 7. STUDIED CASES

At the scope of PERCOM project, some county technicians were asked to collaborate, going through an online inquiry. From the total 106 validated inquiries, 16 counties were selected, whose technicians were then interviewed. From those counties, LP inserted at the Reference Period were then identified, determining the final 45 studied cases. Figure number 5 identifies all those counties that were selected for the interviews, which were:

<b>Northern Region</b>	_ Braga; Gondomar; Matosinhos and Vila Verde
<b>Central Region</b>	_ Coimbra and Covilhã
<b>Lisbon and Tagus Region</b>	_ Alcochete; Coruche; Lisbon and Santarém
<b>Alentejo Region</b>	_ Portalegre and Sines
<b>Algarve Region</b>	_ Faro; Lagos; Loulé and Tavira

For these studied cases' analysis, previous information was add and there were created several file sheets for each plan in order to systematize collected information. With those quantitative and qualitative informations, several factors were studied and intersected, such as "intrinsic attributes", "procedures' process", "normative changes" and "political cycles" with "procedure's time", in order to identify which are the main attributes for those LP with an enlarged or reduced formulation time.

This way, each characteristic was distributed for some classes, and for each one of them, the medium time period for its formulation time was calculated, as well as its standard deviation and coefficient of variation, with the final purpose of analyzing each factor's result dispersion.

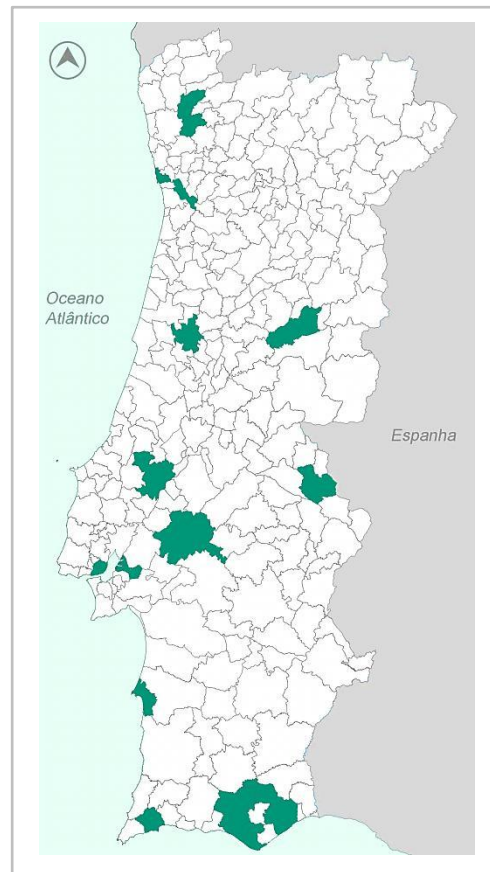


Figure #5 | Interviewed Counties

At "**LP intrinsic attributes**" factor, each characteristic is analyzed separately and then are grouped according to classes, in order to identify which are those that take increased or reduced procedure's time. Those attributes are called:

- \_ dynamic/plan usage;
- \_ specific mode inclusion;
- \_ plan's area;
- \_ stakeholder and plot number at each area of intervention;
- \_ cadastral homogeneity or heterogeneity;
- \_ estimated execution system;
- \_ compensatory land readjustment resource and its development level;
- \_ plan's authorship, external team or county technicals' resource;
- \_ number of involved entities at the procedures' time;
- \_ CCDR follow-up.

At the "**procedures' process**", it's important to identify in which stages the celerity process was shorter. Studied cases are then individually analyzed and each process stage time (months) is then identified. Those whose time wasn't clarified were put together in the same group. Average time for each stage was calculated and then considered according to the total time, allowing to identify in which stages each Plan spend more time, when compared to the national average time. However, at

some cases, the intrinsic attributes were analyzed according to each stage time and not only according to the total procedure's time.

Each stage was assigned a time typology according to their procedures. We called Technical Time (TecT) to Plan's conceptual and technical formulation, Political Time (PT) to the law procedures, and Administrative Time (AT) to those moments where administration leads those acts' responsibility. In sum, those stages whose average time was quantified, is represented on the Table number 2, considering:

**FORMULATION DELIBERATION**

**A** \_ (PT) \_ between LP formulation at county deliberation and the dispatch to the DR

**B** \_ (PT) \_ between dispatch to the DR and its publication

**ELABORATION AND FOLLOW-UP**

**C** \_ (TecT) \_ between its publication and LP dispatch to the service conference

**SERVICE CONFERENCE AND CONCERTATION**

**D** \_ (AT) \_ between LP dispatch to the service conference and service conference itself

**E** \_ (AT) \_ between service conference and concertation reunion

**F** \_ (AT) \_ between concertation reunion and opening of public discussion period

**PUBLIC DISCUSSION**

**G** \_ (PT) \_ between the opening of public discussion period and its publication at the DR

**H** \_ (AT) \_ between the publication of public discussion period and result weighting report

**I** \_ (AT) \_ between the weighting report time and LP approval at the CM

**APPROVAL AND PUBLICATION**

**J** \_ (PT) \_ between LP approval at the CM and its approval at the AM

**L** \_ (PT) \_ between its approval at the AM and LP dispatch to the DR

**M** \_ (PT) \_ between dispatch time to the DR and its final publication time at the DR

Table #2 | Stages' procedure average time

	PROCEDURE'S PROCESS STAGES											
	A	B	C	D	E	F	G	H	I	J	L	M
Procedures' average time (months)	9,9	2	25	7,2	2,7	2,7	1	3,2	1,4	2	4,7	1,5
Procedure's process weight at each stage	15,6%	3,1%	39,5%	11,4%	4,3%	4,3%	1,6%	5,1%	2,2%	3,1%	7,4%	2,4%
Maximum time according to law	-	-	-	22 days	-	-	-	-	-	-	-	2 months

In order to identify any connection, both "normative changes" and "political cycles", respectively third and fourth studied factors, were intersected with the elaboration stage that was being applied in each LP at that time. From all 9 changes RJGT as gone through, only 3 were considered relevant. Attending to the reference period, each LP can cover 4 RJGT versions: DL 380/99 from 22th September; with DL 310/2003 from 10th December; with DL 316/2007 from 19th September and/or DL 46/2009 from 20<sup>th</sup> February. Authority elections that happened in Portugal (December 2001, October 2005 and October



2009) are considered to verify in which way they are relevant at the Plans' formulation process. Political stability from each county was also important to analyze authority elections that occurred during the Reference Period. As a result, LP with reduced and enlarged formulation time are presented on Table number 3.

Table #3 | Attributes from LP with reduced and enlarged formulation time

ATTRIBUTES	TIME (months)
LP with reduced formulation time (average values)	
Tourist Expansion LP	42
Less than de 2 hectares in area	21
Between 2 and 10 owners	41,1
Between 2 and 10 installments	40,6
Heterogeneous cadastral Structure	57
Without or with a low land readjustment development	49,8
Made with external team	53,5
Monitored with CCDR	50,3
With 4 concerned entities	46,3
AVERAGE TIME	44,6 (3 years and 8 months)
LP with enlarged formulation time (average values)	
House-expanding LP	77,6
Between 20 and 70 hectares in area	64
With 11 to 50 owners	61,2
Between 11 and 50 installments	58,3
Homogeneous cadastral Structure	59,5
With a high land readjustment development	71,7
Made with internal team	55,7
Not monitored with CCDR	80,7

**INTERVIEWS**

In order to select these counties, several criteria were considered, such as the need to select all possible land contexts, counties with the most possible LP typologies and also those where regulatory context could show land readjustment mechanisms (Condessa et al, 2013). In order to find some answers for the present research project, the most related questions with LP formulation time were then analyzed:

- \_ *critical factors for the elaboration – tardiness*
- \_ *critical factors for the elaboration – swiftness*
- \_ *factors that affect formulation time*
- \_ *specific factors that interfere at the formulation process' efficiency*
- \_ *land readjustment influence at the LP formulation time*

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**8. RESULT DEBATE**

After gathering, organizing and analyzing all LP related data and its procedure's formulation, the results had been transversal evaluated.

During interviews, it was regular pinion that LP formulation ideal time was 2 to 3 years. However, when analyzing those 245 LP, it was notorious that the same formulation time was 54 months (4 and a half year), about the double ideal time.

When asked about the excessive time related to the procedure of LP formulation, county technicians referred to intrinsic attributes and being the main cause. However, when analyzing those results, it didn't verify, maybe because of lack of data about LP formulation and its attributes. Through these answers it's possible to hold one attribute responsible separately but the whole set of attributes that define each plan individually.

Technical time was a difficult stage when it comes to situate in time, due to processes' data nonexistence. It was determined that lack of data exists at LP from county technicians' teams and external teams, being this the longest process in time.

Within Political Time there were some surprising results that came to be an answer to a question introduced at the beginning of this dissertation. Although authority elections/political cycles have been considered relevant factors for the whole process, studied cases, when individually analyzed, long time periods between AM deliberations and dispatch to the DR were identified. That was noticed at the initial stage of the process and also in the end, after plan's approval.

The most interesting note was the fact that those counties with less political stability are those with the most reduced procedure time. This might happen because of the need to approve plans right before executive and deliberative changes take place, breaking down all previous work regarding LP formulation. Nowadays, entities' non pronouncement allows keeping with the process. However, negative feedback related to new technical elaboration stages result in a regression at this process. Being considered a handicap by the interviewed technical themselves, can be perceived as a disarray from those entities that only defend their own interests, leaving public common good behind.

A bigger number of legal opinions are a result of the more external entities that are involved. However, there was no connection between this variable and plan's formulation time, maybe because the referred RJGT changes came to expedite all the process. Although CM can abdicate from CCDD follow-up, it wasn't possible to firmly conclude that that same decision implies bigger procedure's time, even though there were certain pointers that this happens and enlarges administrative procedure's time period

At this process, the whole population and directly involved stakeholders play an important role. One of the main questions is related to land readjustment. At the statistical analysis, there were no variable dependable connections, though it was considered that, when facing bigger data amplitude, land readjustment recourse have a negative influence at the formulation time celerity. The fact that this process is parallel to technical elaboration, it doesn't have any negative influence at the formulation time, being only relevant while it's being executed.

From this analysis, and according to the final results, it wasn't possible to establish any connection between procedure's time and any studied attributes, being this a possible work to further develop with even more specific information.

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