

The approval of the Framework Law of Territorial Planning aims at translating the various principles and rules contained in the Constitution that guide the exercise of this public policy and, to that extent, constitute true guidelines that must be enshrined in ordinary legislation.

It is noteworthy that, at the State level, the Constitution establishes, as a fundamental objective of territorial planning public policy, the harmonious and integrated promotion of development of sectors and regions, as well as the fair distribution of the national product. In addition to this, other purposes committed to the State necessarily call for a set of measures whose territorial repercussions cannot be neglected by land use plans. These are cases of ensuring the development of the economy, creating the material well-being of citizens, protecting the environment and natural resources, and affirming and enhancing the cultural heritage, which are public interests with territorial expression that must be considered when defining the general foundations of territorial planning.

In summary, the Constitution of the Republic contains a set of guidelines for the exercise of the freedom of conformation of the ordinary legislator, namely with regard to the pursuit of objectives and balancing public interests of relevance to land use, administrative and territorial organization, and the enforcement of fundamental rights, in connection with public policies for land use planning and urbanism, and in the definition of the regime applicable to territorial planning.

The approval of the Basic Law of Land PBTF3 11.04 Tf1 0 0 1 84.984 403.32 Tm0 g0 G(The)12( )-53(a)9(ppr)7(c

This law establishes the general bases of public policy for land use planning.

For the purposes of this law, the following definitions apply:

- a) , acts of Public Administration that authorize the use by individuals of goods that are part of the State's assets, during a certain period of time and by agreement between the Administration and the individual;
- b)  a dynamic complex of plant, animal and microorganism communities and their non-living environment that interacts as a functional unit and that, due to their own characteristics, must be protected;
- c)  acts of soil restructuring carried out by Public Administration aimed at ending the fragmentation and dispersion of rustic lands belonging to the same owner;
- d) , acts of soil restructuring carried out by Public Administration, which consist of the re-parceling of land located on urban areas and its subsequent division;
- e) , a public policy aimed at organizing and defining land use, with a view to promoting the country's sustainable economic, social and cultural development;
- f) , the portion of the territory where the sea, assisted by the windmunction, Aheiec31(pplo



- i) Participation of citizens in the training, dynamics and execution procedures of territorial planning instruments, and guaranteeing access to the information produced in the referred procedures;
- j) Legal security and protection of trust, thanks to the stabilization of applicable legal and regulatory regimes.

The territorial planning system must also consider the special needs for integrated management of the coastal zone and in particular the seafront, with a view in particular to:

- a) Protect and enhance, from a perspective of sustainability, the coastal zone, preserving the public maritime domain and public access to the sea;
- b) Prevent the phenomena of natural degradation and the phenomena caused by human activities, and encourage the recovery of degraded areas;
- c) Enhance the natural, historical-cultural and landscape heritage;
- d) Stimulate socio-economic activities compatible with the sustainable development of the coastal zone;
- e) Make compatible different uses and specific activities of the coastal zone, enhancing the use of its own resources, with respect for the carrying capacity of natural systems, and minimizing risk situations and environmental, economic and social impacts.

1. Everyone has the right to a rational, proportional and balanced land use planning, so that the pursuit of the public interest in matters of territorial planning policy is done with respect for of each one's rights and interests legally protected.
2. Everyone has the right to participate in the preparation, execution and inspection of compliance with territorial planning instruments, through participation in public consultations, the presentation of proposals, recommendations and complaints.
3. Everyone has the right to access information and documents that are part of the procedures for preparing and executing land use plans, held by public entities, under the terms of the law.

The State and other public entities promote territorial planning, within the scope of their respective mandates and competences, in order to ensure an articulated system of territorial planning that promotes an adequate organization and use of the national territory in the perspective of its valorization and sustainable development, in accordance with the purposes set out in this law.

1. Land use is carried out in accordance with the limits provided for in the Constitution, the law, the territorial plans in force and in accordance with the respective classification and qualification.
2. The land use regime defines the discipline related to the respective occupation, use and transformation.



1. The State and other public entities intervene in relation to the soil, within the respective attributions and competences of its organs, for the pursuit of the purposes assigned to them within the scope of spatial planning policy and in compliance with the laws, regulations and applicable territorial plans, namely through the following means:
  - a) Territorial planning;
  - b) Exercise of preemptive right;
  - c) Constitution of surface right;
  - d) Administrative easements;
  - e) Expropriations for public utility;
  - f) Urban land re-parceling operations;
  - g) Land re-parceling operations;
  - h) Soil reserve;
  - i) Concessions for the use and exploitation of public domain.
2. In adopting the measures referred to in the preceding paragraph, the State and other public entities must consider, in particular, protection and enhancement of:
  - a) Natural, cultural and landscape heritage;
  - b) Coastal zone;
  - c) Margins of lagoons and streams;
  - d) Water resources;
  - e) Agricultural and forest areas;
  - f) Protected areas;
  - g) Specific ecosystems;
  - h) Ordering and qualification of urban areas.
3. The State and other legal persons governed by public law, within the scope of their respective attributions and powers, and for the promotion of the purposes of territorial planning defined in this law, may buy, sell or exchange goods that are part of the private domain of the State or local governments.

1. Without prejudice to the definition of land use regime by territorial planning instruments, for the pursuit of public interest, purposes related to spatial planning policy, restrictions of public utility to the content of property rights may be established by law.
2. When, by law or territorial planning instrument, restrictions equivalent to expropriation are imposed on land or buildings, their owners are entitled to compensation, under the terms of the law.

1. Territorial planning contributes to the achievement of public policy objectives for land use planning.
2. The territorial planning system is organized at the national and municipal levels according to the nature and impact of the public interests pursued.





2. The implementation of land use plans consists in the implementation of the urban planning options and interventions provided for therein by Public Administration and by individuals, namely through the means of public intervention in the soil provided for in Article 8.



This law comes into force 30 days after its publication.

Approved on February 27, 2017.

The President of the National Parliament,

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Enacted on April 17, 2017.

Be it published.

The President of the Republic,

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