

Simplex Reloaded

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In line with the ‘Construir Portugal’ (Building Portugal) priority axis set out in the Programme of the 25th Constitutional Government, [Decree-Law 108/2026](#) was published on 29 May. This decree-law amends a series of measures introduced by [Decree-Law 10/2024](#), which had reformed and simplified town planning and territorial management procedures, as well as certain related matters (Simplex 2024).

Further streamlining of procedures is now being introduced. This will directly affect **procedures, decision-making deadlines, the planning titles for urban development operations and the rules governing validity and supervision.**

Specifically, the new legislation amends the following acts:

- i) Legal Framework for Urban Development and Construction (RJUE);
- ii) Legal Framework for Urban Rehabilitation (RJRU);
- iii) General Regulations for Urban Buildings (RGEU)¹;
- iv) Decree-Law 10/2024 of 8 January (Simplex 2024).

This guide primarily focuses on **Simplex 2026** and the amendments it makes to the RJUE and Simplex 2024. It highlights changes resulting from **Simplex 2026**, which appear to be of greater practical relevance to urban development projects².

1 In Simplex 2024, the RGEU was due to be repealed on 1 June 2026. However, this date has now been set as the date on which the legislation defining the technical standards applicable to building construction will come into force, in collaboration with the relevant professional bodies

2 This guide is intended for distribution to clients and colleagues. The information it contains is general and abstract. It should not form the basis of any decision-making without the input of a qualified professional who can provide assistance tailored to the specific case. This document may not be reproduced, in whole or in part, without the express permission of the publisher. For further information on this subject, please contact the Planning Team at PLMJ. Key contact: Andreia Candeias Mousinho (andreia.candeiasmousinho@plmj.pt), Luís Moitinho de Almeida (luis.moitinhodealmeida@plmj.pt), Benedita Lacerda (benedita.lacerda@plmj.pt) ou Micaela Giestas Salvador (micaela.giestassalvador@plmj.pt).

3 Simplex 2026 was initially scheduled to enter into force on 3 April 2026; however, following the publication of Decree-Law 155-B/2026, that date was postponed to 1 October 2026.

1. Entry into force and application

Simplex 2026 will come into force on 1 October 2026³, except for the amendments made to Decree-Law No. 10/2024, which came into force on 1 June 2026.

Simplex 2026 will apply to proceedings commenced after its entry into force.

It also applies to proceedings commenced on an earlier date that are still at the rectification and preliminary examination stage.

The provisions relating to time limits for declaring or invoking nullity, and limitation periods, apply to legal situations that already exist. Time limits are calculated from the date of Simplex 2026’s entry into force.

Exception: if the time limits for declaring or invoking nullity and the limitation periods would expire sooner under the previous legislation, the previous legislation will prevail.

The RGEU will be repealed when the legislation defining the technical standards applicable to building construction comes into force.

2. Clarification and addition of concepts

Building: It is clarified that the term ‘building’ refers to any structure that is permanently fixed to the ground, regardless of construction method. This includes **modular and removable structures**, as well as properties intended for human use.

- **Reconstruction work:** involves rebuilding a building following its total or partial demolition in accordance with its last valid antecedent. The aim is to restore the formal composition of all façades with regard to their dimensions and the relationships between openings. This also includes retaining projecting and recessed sections, as well as the roof. However, this does not apply to changes to structural materials or modifications arising from structural corrections that are strictly necessary to improve the building’s safety and health
- **Alteration works:** The definition has been expanded to include alterations to doors and windows. A limit has also been introduced for alteration works, namely an increase in the height or volume of an existing building, in which case these would constitute extension works.
- **Planning operations:** this definition includes land subdivision operations and the use of buildings.
- **Works of minor planning significance:** These are now included within the concept of technical installations.

The following have also been included in the range of definitions:

- **Last valid antecedent:** The last valid and effective planning operation or the last planning operation that did not require an authorising title at the time it was carried out under the legislation in force at that time.
- **Charges due:** these cover deposits, compensation, and other payments in addition to fees, depending on the planning operation to be carried out.

3. Types of town planning procedure

Based on a rationale of procedural simplification, and with a view to administrative speed and efficiency, town planning operations are categorised as follows:

Licensing
Prior notification
Prior notification subject to a statutory review period
Exemption

It is not possible to opt for the licensing procedure where the planning operation in question is subject to prior notification, prior notification with a statutory review period or exemption from licensing or prior notification, as this would result in termination of the procedure

- The fallback procedure for planning operations not expressly provided for remains unregulated — specifically, the use of land for purposes that are not exclusively agricultural, pastoral, forestry, mining or for public water supply.

3.1. LICENSING

The following planning operations require a licence:

Subdivision operations that are not subject to prior notification.
Urban development works and land alteration works that are not subject to prior notification.
Construction, alteration or extension works that are not subject to prior notification.
Conservation, reconstruction, extension, alteration or demolition works affecting listed buildings or buildings undergoing the listing process, and construction, extension, external alteration or demolition works affecting buildings located within protection zones require a licence, save where they are preceded by a favourable qualified prior information request (in which case the applicable procedure is prior notification).
Demolition work on buildings not covered by a licence for rebuilding work.
Construction, alteration, extension or demolition work in areas subject to an administrative easement or public utility restriction, where these constraints are not covered by a detailed plan, subdivision operation or execution unit.
Planning operations involving the removal of façade tiles

3.2. PRIOR NOTIFICATION

The legislation expands upon and provides further detail regarding the set of planning parameters that must be defined in advance in detailed plans, execution units and subdivision operations — regardless of their date of approval — as a condition for the use of the prior notification procedure.

Land subdivision operations:

- This applies to land subdivision operations in an area covered by a detailed plan that defines the urban layout, plots or lots, building alignments, building footprints, overall and façade heights, the number of storeys, the maximum number of dwellings, the gross construction area and its permitted uses, demolition, retention or refurbishment of existing buildings, identification of land to be transferred to the municipal domain and its intended purpose.
- It also applies to an area covered by an execution unit that defines the urban layout, plots or lots, building footprints, gross construction area and its permitted uses, maximum number of dwellings and schedule for urban development works.



Urban development works and land alteration works:

- in an area covered by a subdivision operation that defines the location of the urban development works; or
- in an area covered by a detailed plan or execution unit that defines the location and schedule of the urban development works. Urban development works are deemed to be scheduled where their delimitation identifies: (i) the works to be carried out, including connections to the main infrastructure networks and the corresponding completion deadlines; (ii) areas to be transferred to the municipality; (iii) an estimate of the costs involved; and (iv) a timetable for both the urban development works and the building works

Construction, alteration, extension or demolition works:

- in an area covered by a detailed plan, execution unit or subdivision operation that defines building alignments, building footprints, the overall height of buildings or the height of façades, the number of storeys and the maximum number of dwellings, and the gross construction area and its permitted uses. Where the area is covered by a detailed plan, the plan must also provide for the demolition, maintenance or rehabilitation of existing buildings.

Construction, alteration or extension works in a consolidated urban area:

- that comply with applicable municipal or intermunicipal plans are permitted, provided they do not result in a building exceeding the prevailing façade height of the built frontage on the same side of the street as the proposed development, along the section of street between the nearest intersecting streets on either side. However, they must not give rise to any land transfers to the municipality.

Use or change of use of a building or unit:

following the completion of works subject to a licensing procedure, a prior notification procedure or a favourable qualified information request.

Conservation, reconstruction, extension, alteration or demolition works affecting listed buildings or buildings undergoing the listing process, as well as construction, extension, external alteration or demolition works affecting buildings located within protection zones, **provided that a qualified prior information request has been made.**

3.3. PRIOR NOTIFICATION SUBJECT TO A STATUTORY REVIEW PERIOD

The use or change of use of buildings or autonomous units where this is **not preceded by works subject to a licensing procedure or prior notification procedure, or a favourable qualified prior information request.**

3.4. EXEMPTION

Conservation works, including conservation works affecting listed buildings or buildings undergoing the listing process, where a favourable opinion has been issued by the competent cultural heritage authority;

Alterations carried out within buildings or autonomous units that do not involve external modifications affecting the physical or aesthetic characteristics of the building (including its height, façades, roof or roofing) provided that they:

- i) Do not affect the structural stability of the building; or
- ii) Where they do affect the structural stability of the building, are accompanied by a structural design and statement of responsibility, prepared by a suitably qualified professional in accordance with applicable legislation. This statement must declare that, when considered as a whole, the works will improve or will not adversely affect the structural stability of the building compared to its condition prior to the works. A seismic strengthening design must also be provided where required by law. These documents must be submitted for filing purposes only, together with the notification of the start of works.

Works of minor planning significance, including:

- i) The replacement of photovoltaic solar panels or wind generators associated with the main building for the production of renewable energy, including microgeneration installations, energy storage units and solar thermal collectors for domestic hot water, provided that the applicable technical limits and requirements are met;
- ii) The replacement of window frames with more energy-efficient ones that maintain the volumetric and aesthetic characteristics of the original, including in buildings located within protection zones of listed buildings or buildings undergoing the listing process.

Land Carve-Outs (*Destaques*) — now including plot divisions in urban land not only within an urban perimeter, but also in rural settlement areas

Reconstruction work affecting buildings or autonomous units.

Any work necessary to comply with a compulsory works order.

Demolition work if the buildings are illegal.

Planning operations preceded by a favourable qualified prior information request (except for use or change of use, to which prior notification or prior notification subject to a statutory review period applies).

Clarifications

In planning operations subject to a licence, the application for occupation of the public highway may be included in the same application, provided that it is duly accompanied by all the elements required under the applicable municipal regulations; it is then subject to the deemed-approval time limits applicable to the planning operation.

Where a planning operation includes works that are subject to licensing or prior notification, as well as works that are exempt, compliance with the formalities applicable to the former does not prevent the exempt works from being carried out.

Transfers of land to the municipality and compensation measures, as well as the provision of the required security, must be completed before notification of the start of the works is given. This may involve the execution of a public deed, an authenticated private document, or the special procedure for the transfer, encumbrance and immediate registration of urban property, between the interested party and the Municipality.

Exempt works remain subject to inspection and enforcement by the competent authority.

4. Time limits for processing applications

4.1. LICENSING

Simplex 2026 **abolishes the overall time limits** for deciding on licensing applications, the expiry of which could result in the application being deemed approved. These time limits were previously linked to the gross construction area. **Simplex 2026 restores the system of intermediate procedural time limits.**

For all planning operations subject to licensing, an exceptional time limit extension has been introduced, which must be justified on a case-by-case basis by reference to the particular complexity of the operation. The permitted extension depends on the initial (‘non-extended’) decision-making time limit applicable.

This decision must be taken at the preliminary review stage and notified to the interested party before the end of that stage.

Notwithstanding the above, the following should be noted:

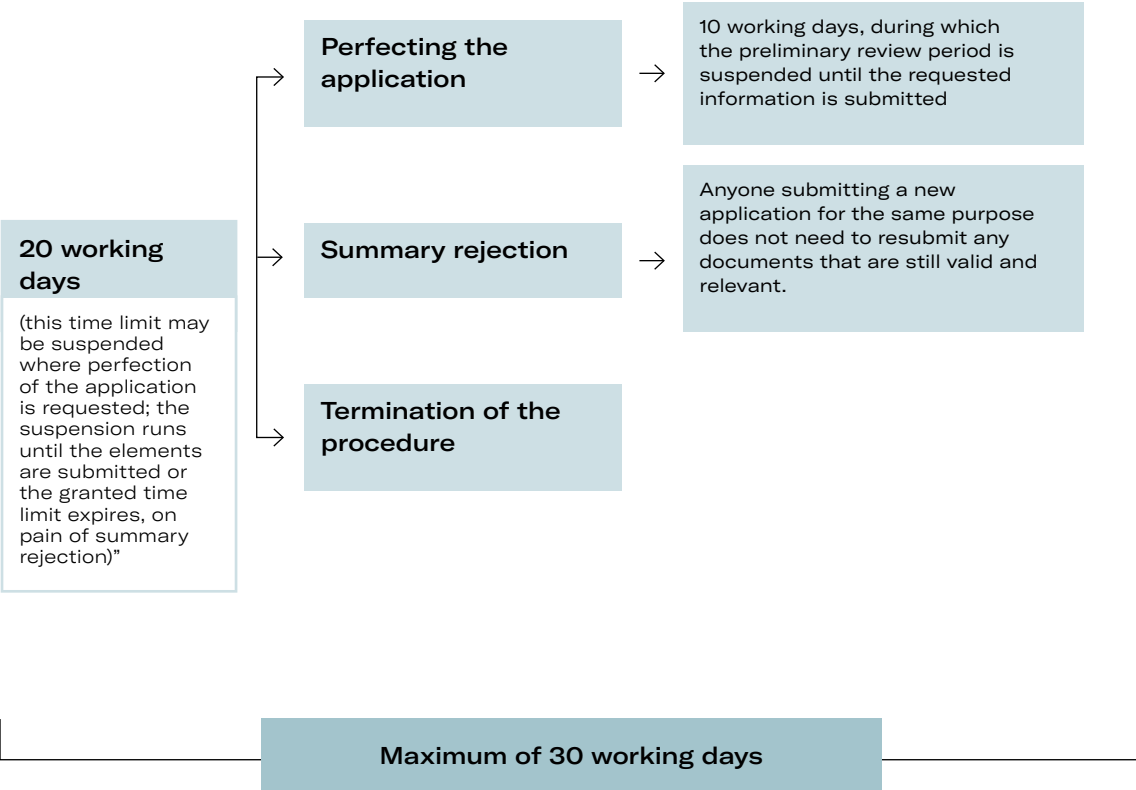


4.1.1 For all planning operations, up to the stage at which the opinions of the relevant entities are obtained:



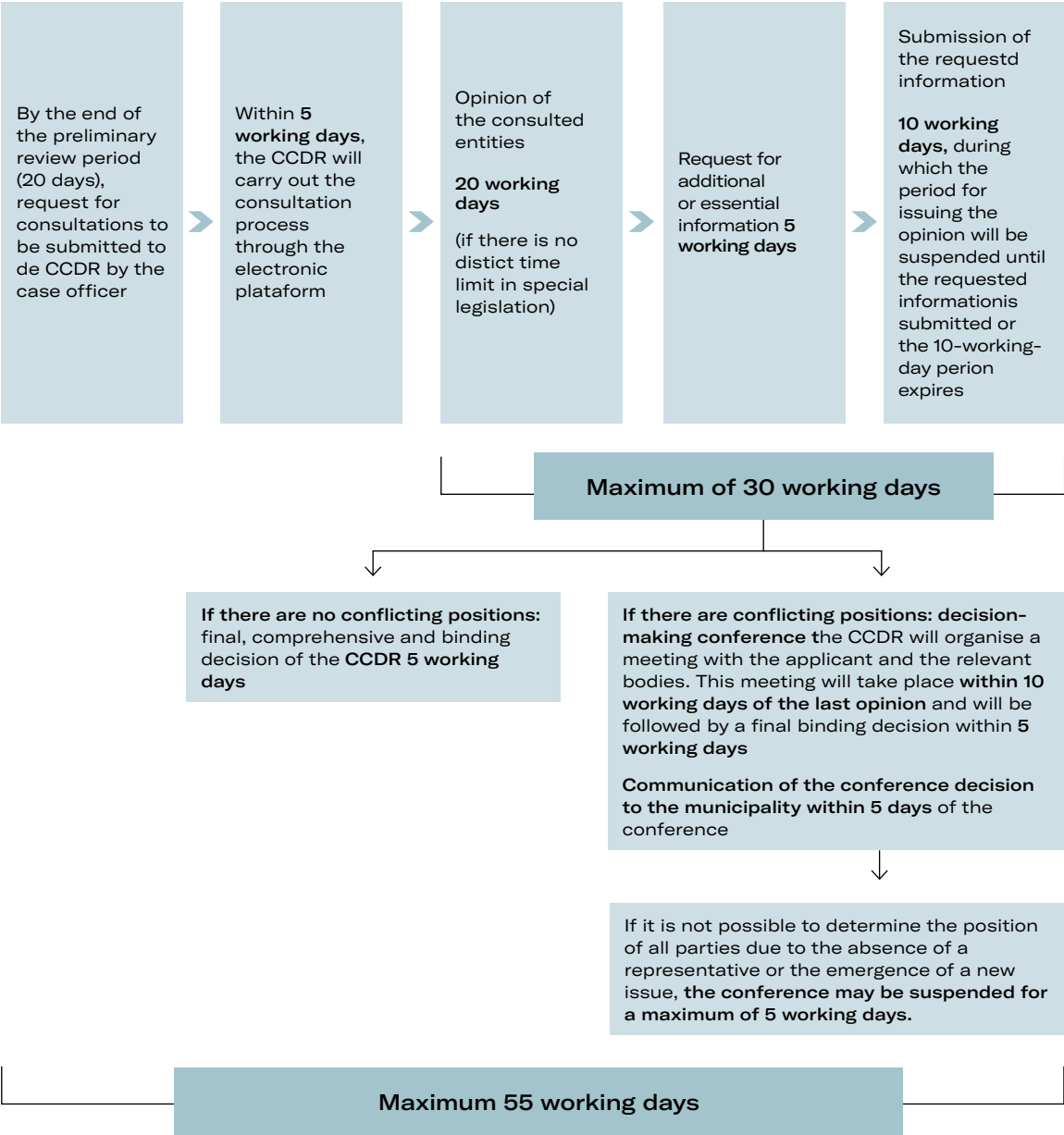
ZOOM IN:

Preliminary review



ZOOM IN:

External opinions and, where applicable, decision-making conference:



Clarifications

Opinions, authorisations or approvals requested should be deemed to have been given favourably (i) if they have not been received within the statutory time limit, or, in the case of a decision-making conference (ii), if the CCDR fails to communicate the decision adopted at the decision-making conference to the municipality within the 5-day period.

The rule remains that when a decision is made following a decision-making conference, **the opinions are non-binding**, regardless of how they are classified under specific legislation.

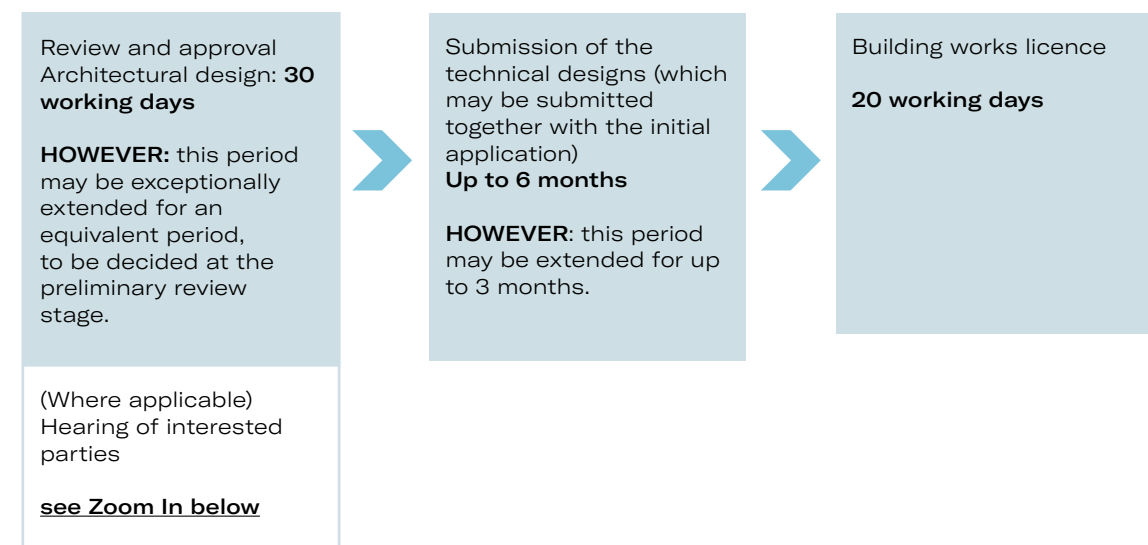
The procedure for decision-making by the central administration through a decision-making conference is set out in a ministerial order.

If the requested opinions are not received by the established legal deadline, or if the CCDR fails to notify the municipality of the decision reached at a decision-making conference within the 5-day deadline, they are deemed to be favourable.

? Open question

Should the request for an opinion, approval or authorisation based on location be made before the initial documents are complete, even if essential elements are missing from the application, or should a corrective interpretation of Article 13-A(1) be applied, in the sense that the reference to 'the end of the 20-day period mentioned in Article 11(2)' only applies where the application is properly documented?

4.1.2 (Continuation of the planning procedure for) Construction works ⁴



The municipal council's review of the architectural design is limited to verifying compliance with territorial planning instruments (whether municipal or intermunicipal), preventive measures, interim rules, administrative easements, public utility restrictions, the proposed use, the relevant subdivision operation (where applicable), the adequacy of the infrastructure, and the rules governing the development's external appearance and urban and landscape integration.

⁴ Corresponding to those identified in Article 2(4), (c), (d), (f), (h) and (i) of the RJUE

- the provision clarifying that the following could not be assessed was repealed:
- works projects relating to the interior of buildings or autonomous units;
- the existence of refuse storage areas or other items of street furniture; and
- the engineering and technical designs.

The repeal of this provision does not mean that these elements may now be reviewed; the impossibility of their review derives from Article 20(8) of the RJUE:

Clarifications

An architectural design is deemed approved if no express decision is issued within the applicable time limit⁵.

A licensing application is deemed approved if no decision is made within the applicable time limit⁶.

The period of **30 working days** for deciding on applications relating to construction works **may be extended** once only and by an equivalent period **on an exceptional basis**, where justified by the particular complexity of the operation. This decision must be taken at the preliminary review stage.

ZOOM IN:

Hearing of interested parties (applicable to all planning operations)

Simplex 2026 repealed the provision that generally permitted amendments to a project following the hearing of interested parties, provided that the amendments were intended to address identified instances of non-compliance or were related to them.

It is now established that:

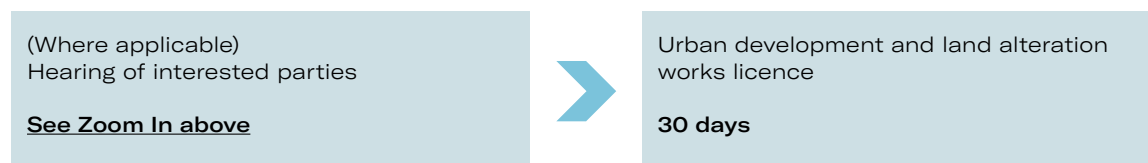
- Following the hearing of interested parties, **only one submission of project amendments is permitted**, provided that these amendments are intended to remedy identified instances of non-compliance.
- In addition, in the case of building works, the submission of missing documents is the only amendment permitted during the hearing of interested parties once the engineering and technical designs have been submitted.
- The response period during the hearing of interested parties may be extended once, upon submission of a reasoned request.

Where necessary, **amendments to the project may require further consultation** with external entities. Such consultations must begin within 5 days of the amended documents being submitted. In such cases, the period for the consulted entities to issue their opinions is reduced to 10 working days.

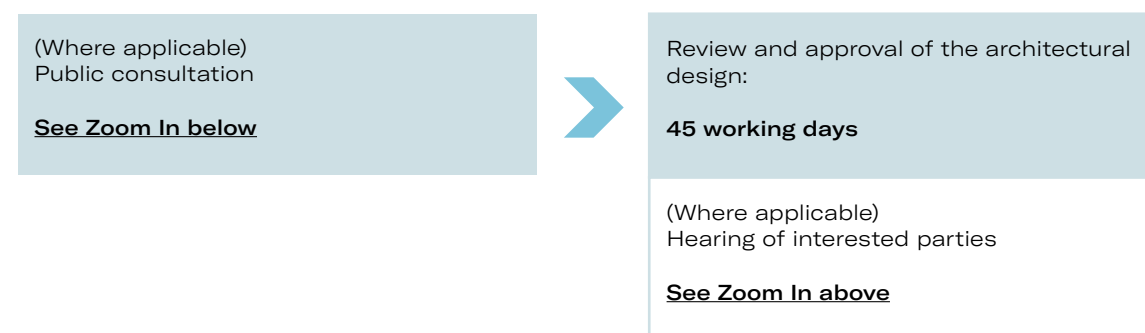
⁵ The municipal council will deliberate on an architectural design within the following time limits: a) 30 days from the expiry of the deadline for rectification and preliminary review; b) 30 days from the date of receipt of the documents accepted at the preliminary hearing (see Zoom In – (3) above), where applicable; c) 30 days from the date of receipt of the last opinion, authorisation or approval issued by bodies external to the municipality, or from the expiry of the deadline for their issuance, where applicable.

⁶ The time limit for granting planning permission for construction work is calculated from: (a) the date on which the technical designs and other studies were submitted; (b) the date on which the architectural design was approved, provided that the technical designs were submitted with the initial application; or (c) the date on which the documents were accepted at the preliminary hearing.

4.1.3 (Continuation of the planning procedure for) Urban development and land alteration works



4.1.4 (Continuation of the planning procedure for) Land subdivision operations without urban development work



Clarifications

The review of projects involving urban development and land alteration works is limited to: (i) verifying compliance with municipal or intermunicipal territorial planning instruments, preventive measures, interim rules, administrative easements, public utility restrictions and any other applicable legal and regulatory provisions, verifying the proposed use; and verifying the project's urban and landscape integration; and (ii) where the works are covered by a subdivision operation, verifying compliance with that subdivision operation.

An application for a licence is **deemed approved** if no decision is made within the applicable time limit⁷.

Prior to the expiry of the preliminary review period, the applicable time limits **may be extended on an exceptional basis** once only and for an equivalent period, if justified by the particular complexity of the operation.

Clarifications

The review of subdivision projects is limited to verifying compliance with territorial planning instruments (municipal or intermunicipal), preventive measures, interim rules, administrative easements, public utility restrictions, and any other applicable legal and regulatory provisions. This also includes the proposed use and the project's urban and landscape integration

A licensing application is **deemed approved** if no decision is made within the applicable time limit (see footnote 7)

Prior to the expiry of the preliminary review period, the period of **45 working days** **may be extended on an exceptional basis** once only and for an equivalent period, if justified by the particular complexity of the operation.

⁷ The time limit for the licensing of this planning operation runs from: (a) the end of the preliminary review period; (b) the date on which the documents submitted during the hearing of interested parties were received; or (c) the date on which the last opinion, authorisation or approval issued by entities external to the municipality where consultations are required was received, or the end of the period for their issuance, whichever is sooner.

ZOOM IN:

Public consultation in land subdivision

Public consultation is not required where:

- The project has been subject to an environmental assessment, including public consultation, under the Legal Framework for Environmental Impact Assessment; or
- The operation is covered by a detailed plan or an execution unit.
- Conducting a public consultation suspends the running of the period for issuing a decision or deemed approval.
- In the case of planning operations with a significant impact, or an impact equivalent to that of a subdivision operation, the public consultation also suspends the period for reviewing the architectural design.

4.1.5 Land subdivision operations with urban development work



Clarifications

- The review of projects for urban development works and land alteration works covered by a subdivision operation is limited to verifying compliance with that subdivision operation.
- Where an application for a licence for urban development works is submitted simultaneously with an application for a subdivision licence, the 30-day period for the decision on the former begins to run from the decision approving the subdivision application.
- An application for a licence is **deemed approved** if no decision is made within the applicable time limit (See footnote 7).
- The applicable time limits **may be extended on an exceptional basis** once only and for an equivalent period, if justified by the particular complexity of the operation.



4.2. PRIOR NOTIFICATION

The prior notification procedure is now a single-stage process for submitting all the required information. This allows the interested party to start work once the applicable fees and other charges have been paid, **without having to wait for the preliminary review of the prior notification to be completed.**

The preliminary review stage of the prior notification procedure has been abolished. Instead, compliance with the applicable legal and regulatory requirements is assessed through subsequent review. Under this process, the municipal council verifies that the submitted documents comply with the relevant legal and regulatory framework. If the municipal council identifies any non-compliance with the applicable rules, any absence of mandatory opinions or any inconsistency with the positions adopted by the competent external entities, it must notify the interested party that the prior notification is defective. In such cases, the operation may not proceed and measures must be adopted to restore compliance with planning law.

Notwithstanding the above, **the interested party may, on one occasion only, be notified during the subsequent review stage to remedy deficiencies in the submitted documentation within 10 working days** (including, in particular, the absence of essential designs or information). Failure to do so will result in the prior notification being deemed defective.

The municipality’s power to carry out **this subsequent review is subject to a one-year limitation period** running from the date on which the applicable fees are paid or until the date on which use of the building or autonomous unit commences, if the latter occurs in a later moment.

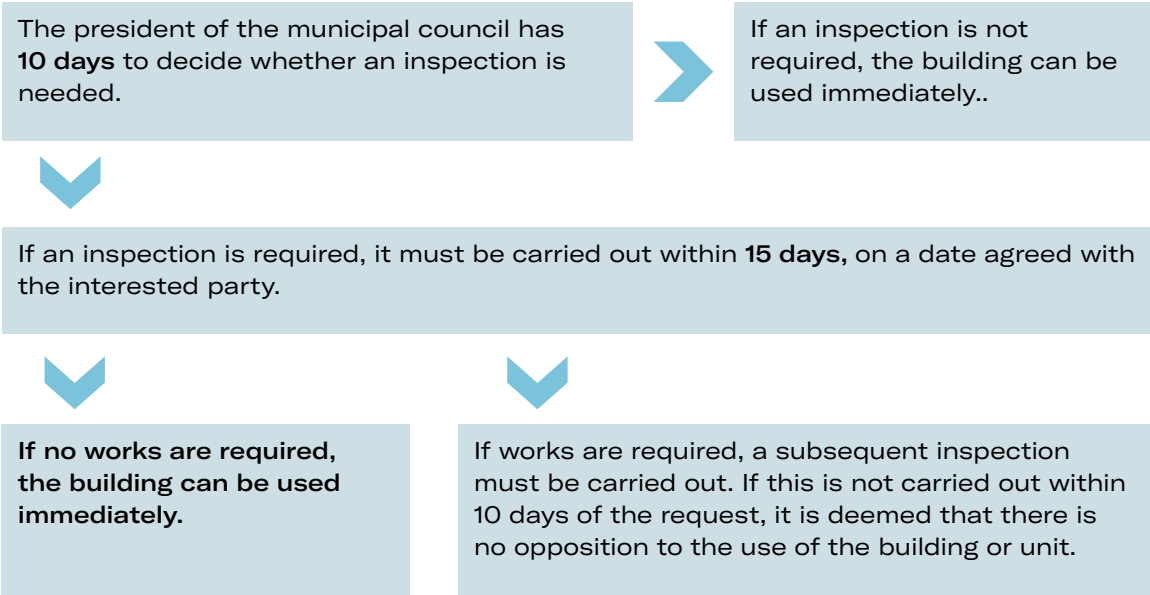
Clarifications

The expiry of the subsequent review period does not prevent the municipality from exercising its inspection and enforcement powers at any time, in order to verify compliance with the submitted documents.

8 The use of, or change of use of, a building or autonomous unit, or any amendment to the information contained in the use title, is subject to prior notification, unless it has been preceded by works that require a licence, prior notification or a qualified preliminary information request.

4.3. PRIOR NOTIFICATION SUBJECT TO A STATUTORY REVIEW PERIOD – USE ⁸

Submission of the notification



Relationship with the rules on horizontal ownership

The request for certification that the building complies with the legal requirements for the establishment of horizontal ownership can be submitted alongside the prior notification of use of the building or its units.

Regarding changes to the use of autonomous units where the constitutive title does not specify the purpose of each unit, a change of use requires authorisation from a meeting of the condominium owners, approved by a majority representing two-thirds of the total value of the building. However, the amendment introduced by Simplex 2024 remains in force, **whereby a change of use of an autonomous unit to residential use does not require the authorisation of the other condominium owners.**

5. Preliminary information request (PIP)

The municipal council must decide on the PIP within the following maximum time limits, calculated from the completion of the preliminary review stage:

IN THE CASE OF PRELIMINARY INFORMATION REQUESTS SUBMITTED UNDER ARTICLE 14(1) (SIMPLE PIP)	
15 working days	PIP relative to any type of planning operation
IN THE CASE OF PRELIMINARY INFORMATION REQUESTS SUBMITTED UNDER ARTICLE 14(2) (QUALIFIED PIP)	
45 working days	PIP concerning the feasibility of a subdivision operation
30 working days	PIP concerning the feasibility of other planning operations

If the request is a **qualified PIP**, the time limits may, on an exceptional basis, be **extended once only and for an equivalent period** if justified by the particular complexity of the operation, including, in particular, subdivision operations involving urban development works or planning operations with a significant impact or an impact equivalent to that of a subdivision operation. The applicant must be notified before the expiry of the preliminary review period.

When external consultations are required, the time limits referred to above begin on the date on which the last opinion, authorisation or approval issued by entities external to the municipality is received, or on the date on which the period for their issuance expires, whichever is sooner.

Clarifications

When reviewing preliminary information requests, municipal councils may only assess whether the project complies with municipal or intermunicipal territorial planning instruments, preventive measures, interim rules, administrative easements, public utility restrictions, the proposed use, and the adequacy and capacity of the infrastructure, and its urban and landscape integration.

Planning operations covered by a preliminary information request must commence within two years of a favourable decision being made. Simplex 2026 has clarified that this period also applies to simple PIPs, referring specifically to the submission of a licensing application or prior notification following approval of a simple PIP.

After the two-year period has expired, the applicant may request that the president of the municipal council issue a declaration confirming that the factual and legal circumstances on which the earlier favourable decision was based have not changed. The president must make a decision on the request within 20 days. If the relevant factual and legal circumstances remain unchanged, or if the president has not responded within the statutory time limit, the interested parties must, within one year, commence execution of the works (in the case of a qualified PIP) or submit the relevant licensing application or prior notification (in the case of a simple PIP).

Simplex 2026 has established that the following **documents must be submitted** with the notification of the start of works for qualified PIPs:

- Proof of payment of the applicable fees and other charges, together with evidence that any required transfers of land to the municipality have been completed (in this regard, see Section 9 – Land transfers and compensation, below).
- **The engineering and technical designs and the other documents specified in [Ministerial Order 320/2026/1 of 31 July](#).**
- Statements of responsibility from the authors of the designs, certifying that the applicable legal and regulatory requirements have been complied with in their preparation. Also required is a statement from the design coordinator, certifying the compatibility of the various designs, and confirming that all designs comply with the terms and conditions of the favourable preliminary information.

Clarifications

Simple PIPs are binding on the competent authorities when deciding any subsequent licensing application and in carrying out a subsequent review of planning operations subject to prior notification.

Qualified PIPs, which contain all the elements referred to in Article 14(2), (a) to (f) of the RJUE, are binding on the competent authorities and continue to exempt the operation from licensing or prior notification, provided that it is carried out **strictly in accordance with the terms under which it was assessed**.

Conservation, reconstruction, extension, alteration or demolition works affecting listed buildings or buildings undergoing the listing process, and construction, extension, external alteration or demolition works affecting buildings located within protection zones, are subject to prior notification where they are preceded by a qualified PIP.

? Open question

- Does the PIP lapse automatically once the two-year period has elapsed? May the applicant request confirmation of the factual and legal circumstances after the initial two-year validity period has expired, or should the renewal mechanism provided for in Article 72 of the RJUE be used instead?
- Where a qualified PIP has the effect of exempting the operation from licensing, can the applicant nevertheless choose to submit a prior notification?

6. Consultations with external entities

Consultations with external entities are not required for planning operations that have already been favourably assessed in the context of a preliminary information procedure or for the approval of an urban subdivision operation, the approval of an execution unit – **a possibility introduced by Simplex 2026** – or the approval of a detailed plan.

Simplex 2026 makes an important distinction between consultations relating to the location of the operation and those that do not. **The former** must be initiated by the case officer responsible for the licensing procedure. However, the developer may seek such opinions on their own initiative. **The latter must be obtained by the applicant in advance and submitted with the initial application.**

? Open question

Simplex 2026 enables applicants to request identification of the entities whose opinions are required by law in the initial application. This raises the question of whether an initial application can be submitted without the prior consultations that the applicant would otherwise be required to obtain and submit with the application.

Time limit

See Zoom In above.

Decision-making conference

[See Zoom In above](#)

Cultural heritage

Where a licensing application relates to a property classified as being of national interest or public interest, or to a property located within the corresponding protection zone, and an opinion is sought from either Cultural Heritage, I.P. (*Património Cultural, I.P.*) or the CCDRs, **the municipal council may not request any further opinions on the same matter.**

7. Planning titles

In the interests of legal certainty and evidential effectiveness vis-à-vis third parties, Simplex 2026 introduces a new provision (Article 4-A of the RJUE), which **reforms the system for documenting planning operations.** Accordingly:

Licence	i) Proof of payment of the applicable fees and other charges; ii) The latest application⁹ submitted (duly completed and containing a summary of the planning operation); iii) Notification of approval where approval is express, or proof of submission in the case of deemed approval.
Prior notification	i) Proof of payment of the applicable fees and other charges; ii) The duly completed prior notification form; and iii) Proof of its submission.

Prior notification subject to a statutory review period

- iv) The duly completed form for prior notification with a statutory review period;

v) Proof of its submission, where the municipal council has not issued a decision or the inspection has not taken place; or

vi) The duly completed form for prior notification with a statutory review period and proof of its submission, **together with the declaration of compliance.**

Favourable preliminary information

- i) Proof of payment of the applicable fees and other charges (where applicable); and

ii) The duly completed preliminary information request form, containing a summary of the planning operation, together with the notification of its issuance (where issued expressly) or proof of submission of the request (if deemed approval applies).

Clarifications

The application forms, as well as the supporting documents required for each urban development operation, are set out in [Ministerial Order No. 320/2026/1 of 31 July](#) (together with the public notices relating to urban development operations and the notices regarding the commencement of works).

If a planning operation requires land to be transferred to the municipality, the relevant title — whether a licence, prior notification or prior notification with a statutory review period — must include proof that the transfer has been completed.

In the case of the express approval of a licence application, the transferred land becomes part of the municipal domain upon the subsequent payment of the applicable fees and other charges. In all other cases, the land is incorporated into the municipal domain by means of a public deed, an authenticated private document, or a special transfer procedure, to be completed within 20 days. In such cases, the municipality must identify the parcels to be incorporated into its public and private domains.

⁹ Simplex 2026 provides that any application submitted by the interested party during the licensing procedure must include an updated summary of the planning operation.

Open question

- What would happen if the municipality did not execute the public deed, sign the authenticated private document, or participate in the special transfer procedure?
- Will the subdivision operations and land transfers be registered on the basis of declarations made by private parties?

8. Publicity

Any planning operations authorised by a licence or by an effective prior notification **must be publicised by the owner or the site manager (in accordance with the form set out in [Ministerial Order 320/2026/1 of 31 July](#))**.

The owner or site manager must do this within 10 days of payment of the applicable fees and other charges and must indicate the period for completion of the works.

Additionally, where **subdivision operations, building works with a significant town planning impact or equivalent works are concerned, the municipal council must also publicise them**. This must be carried out within the same timeframe via the municipality's website, with a notice also being published in the municipal bulletin. Where no such bulletin exists, an alternative notice must be posted at the municipal offices and at the offices of the relevant civil parishes.

During the execution of the works, the owner or site manager must publicise the operation by displaying a notice at the site. This must be in a location that is visible from the public highway and must be posted no later than five days before the works commence. The notice must be in the form approved by the government minister responsible for the area concerned.

9. Land transfers and compensation

Plots allocated for public housing, controlled-cost housing or affordable rental housing can be transferred to the municipality's private domain **or developed privately by the developer**.

The area of the lots or plots that the developer itself allocates to controlled-cost or affordable rental housing must be counted towards compliance with the **sizing parameters applicable to those purposes and does not give rise to any additional land transfer or compensation**.

General principle:

The development rights associated with plots transferred for public housing purposes do not reduce the development rights available under the planning operation that gave rise to the transfer.

For information on the timing of the incorporation of transferred land into the municipal domain, please refer to Section 7 – Planning Titles above.

The development rights associated with plots transferred for public housing purposes do not reduce the development rights available under the planning operation that gave rise to the transfer.

10. Planning fees

The possibility of payment by self-assessment has been extended and is now **available not only in the context of prior notifications and exempt operations but also following the deemed approval of the applicant's request.**

If payment is not made through the platform or via the bank reference specified by the municipal council, the applicant must provide the municipality with proof of payment within 10 days.

Simplex 2026 reinstates the provision whereby the imposition by the municipal council, or any of its members, of betterment charges not provided for by law, as well as any other consideration, compensation or donations, entitles the individual concerned to recover any unduly paid amounts. If such benefits have been provided in kind, the individual is also entitled to their restitution, as well as to any due compensation.

11. Urban development works

Partial provisional acceptance is now expressly permitted, even if the urban development works have not been licensed in phases.

This partial acceptance must be based either on the type of works completed or on functionally autonomous serviced areas.

The rules governing public works contracts, including those relating to deemed provisional and final acceptance, apply to both deemed provisional and final acceptance, clarifying the applicability of the tacit provisional and final acceptance regime, with the necessary adaptations.

12. Planning operations carried out by public authorities

Simplex 2026 has broadened the scope of planning operations eligible for this regime. Notably, it now includes subdivision operations and urban development works carried out by housing cooperatives and other private entities for housing and ancillary purposes.

13. Changes during the execution of works

As a general rule, amendments to a project during the execution of works may be made by means of a prior notification, submitted sufficiently in advance to ensure that the works are completed before the building use notification is submitted.

Changes corresponding to works exempt from planning control are not subject to prior notification.

Changes involving extensions or alterations to the footprint of buildings must follow the same procedure as the original application. Further assessment may be required under the preliminary information request, licensing or prior notification procedure, as applicable.

Clarifications

In all cases, the supporting documentation is limited to the elements that have been amended.

14. Interaction with the Environmental Impact Assessment procedure

Simplex 2026 realigns the Environmental Impact Assessment (EIA) regime with planning procedures.

Accordingly, a licence may not be issued and **no prior notification may be submitted for a planning operation subject to environmental impact assessment unless a favourable or conditionally favourable Environmental Impact Statement (DIA) has first been issued in respect of the corresponding detailed design.**

If the EIA procedure was carried out at the preliminary study or preliminary design stage, this requirement is met by issuing an Environmental Compliance Decision for the Detailed Design (DCAPE).

Simplex 2026 has extended this restriction to include qualified preliminary information requests, which exempt the operation from licensing or prior notification.

This requirement also applies to planning operations that are exempt from planning control. In such cases, the operation cannot begin until a decision has been issued under the environmental impact assessment procedure.

Where an urban development operation is subject to environmental impact assessment, no license may be issued, nor may a prior notification be submitted, unless an Environmental Impact Statement has first been issued.

15. Nullity

Simplex 2026 reduces the period within which the issuing authority may declare the nullity of a licence or preliminary information approval decision to three years.

To bring greater stability to planning situations, the new legislation stipulates that the authority that issued the act or decision may only declare its nullity within three years of its issuance. The same three-year period applies to administrative and popular actions, thereby promoting greater legal certainty. The only exception concerns national monuments and their protection zones.



- If the facts that give rise to the nullity also constitute a criminal offence, the limitation period is extended to the applicable criminal limitation period.
- The new time limits for declarations of nullity apply to existing legal situations unless the applicable period under the previous legislation would expire sooner. Accordingly, as a general rule, the three-year period for existing situations runs from the date on which Simplex 2026 enters into force
- Simplex 2026 also establishes that, where an action seeking a declaration of nullity concerns a licensing decision or a decision on a preliminary information request, and is based on any ground giving rise to nullity, serving the proceedings on the licence holder or the recipient of favourable preliminary information for the purposes of filing a defence does not prevent the works from continuing. However, this does not prevent the Public Prosecutor's Office from applying for interim measures under the Code of Procedure of the Administrative Courts. In this case, the court must rule on the application within 10 days, where appropriate.

16. Administrative offences

Carrying out planning operations without the required planning permission has been reinstated as an administrative offence.

- This offence will only apply to conduct occurring after the entry into force of Simplex 2026.

The offence relating to the execution of works without the required notification of the start of works, or without the accompanying documents that must be submitted with the notification, has also been amended.

To encourage the use of the prior notification procedure, the increased fines previously applicable to offences relating to planning operations subject to prior notification have been abolished.

However, Simplex 2026 states that submitting a prior notification without the supporting documents required for its assessment and failing to provide proof of payment of applicable fees, where required, constitute administrative offences.

17. Arbitration

Simplex 2026 clarifies and expands the use of alternative dispute resolution mechanisms, providing interested parties with more ways to protect their rights outside the traditional court system.

Voluntary arbitration can now be used expressly to resolve disputes relating to administrative acts, opinions or omissions. This is achieved by entering into an arbitration agreement with the public administration, including in cases involving tax disputes.

For the resolution of disputes arising from the application of municipal regulations provided for in the RJUE, the possibility for interested parties to request the intervention of an arbitration committee has been maintained.

18. Real estate transfers

In any transaction involving the transfer of land intended for urban development, completed or partially completed buildings, or autonomous units thereof, the registrar, notary, lawyer, paralegal or other legally competent person must, failing which the transaction may be annulled, state in the document evidencing the transaction:

- the existence of the relevant planning title, where it is produced;
- the transferor's declaration that they hold the relevant planning title, where that title is not produced; or
- the transferor's declaration that they do not hold a planning title.

19. Other amendments (and not only)

- Terminological corrections have been made: elimination of references to ‘authorisation of use permit’ (alvará de autorização de utilização) and ‘authorisation of use’ (autorização de utilização), which have been replaced with ‘title’, ‘prior notification’ or ‘prior notification with a statutory review period’.
- The removal of the site compound and any temporary accommodation facilities, where applicable, the cleaning of the area in accordance with the regime governing construction and demolition waste produced there, and the repair of any damage or deterioration caused to public infrastructure are a condition for the use of the building or unit. Failure to comply with this obligation constitutes an administrative offence.
- It is expressly provided that the statement of responsibility to be submitted with prior notifications may be signed by a suitably qualified professional other than the site manager or site supervision manager. This is permitted in cases where it is impossible for the latter to issue the statement.
- Regardless of any notification served on the owner requiring works to be carried out or a building to be demolished under the following article, the municipal council must notify the relevant administrative authority if it identifies any irregularities or unlawful conduct relating to existing or potential residential tenancies. To this end, the municipal council must forward the inspection report and any supporting evidence gathered during its investigation. The applicable special legislation provisions apply.
- Until technical construction standards have been codified, a list of legal and regulatory provisions for professionals responsible for designing and executing works will be made available via the Urban Planning and Construction Legislation Information System ([SILUC](#))

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About the Planning and Land Use team

→ What we do

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KEY CONTACTS



**Andreia Candeias
Mousinho**

Partner

(+351) 911 540 073
andreia.candeiasmousinho@plmj.pt



**Luís Moitinho
de Almeida**

Partner

(+351) 919 476 163
luis.moitinhodealmeida@plmj.pt



Benedita Lacerda

Senior counsel

(+351) 912 614 844
benedita.lacerda@plmj.pt



**Micaela Giestas
Salvador**

Managing associate

(+351) 936 751 406
micaela.giestassalvador@plmj.pt

