



Inf. N. 0 1 5020/2021 -JC

Data 09/06/2021

Proc. 25/2020/7/0

Reg. 25/202 1 /1 7037

**SUBJECT: OBJECTION / PUBLIC PETITION IN THE
CONTEXT OF THE PUBLIC DISCUSSION**

**APPLICANT: ASSOCIAÇÃO MIRADOURO DA LUZ E
OTHERS**

PLACE: MEIA PRAIA, SÃO GONÇALO DE LAGOS

1. Introduction

Presents a public petition to the applicant, contesting process n. 0 25/2020/7, relating to a subdivision operation to be developed on land located in Meia Praia. Individual requests questioning the allotment operation are also presented.

2. Content of the petition and individual requests

The content of the petition/response and the individual requests are fundamentally based on the issue of the proposed occupation foreseen in the subdivision project not complying with the territorial model and the urban parameters established by the municipal master plan (PDM) for the intervention area.

We also transcribe a small excerpt contained in the requests:

“with regard to the principles of hierarchy and articulation of plans as instruments of territorial management, since the municipal master plan was developed after the urbanization plan of Meia Beach and on which the detail plan of UOPG 3 was based....”

3. Summary description of the allotment

operation

a) The proposal presented covers part of plots 10, 11, 15, 17, 18, 19 and 28 of the detailed plan of the operational planning and management unit n. 0 3, of the Meia Praia urbanization plan;

b) The proposed urban composition is made up of a housing space (single-family houses) and three distinct tourist developments: tourist apartments (lot 26); hotel or aparthotel (lots 45 and 58), all with a 4 or 5 star rating/category;

c) The road layout stems from the urban solution recommended in the detail plan of UOPG 3, with the connection to the existing road network being carried out on the restoration section (via V4) with the roundabout connecting lanes VI and V4;

d) Proposed urban indicators:

No. of lots: 31

No. of residential units: 28

No. of accommodation units: 129

Use: single-family dwelling and tourist developments (Tourist apartments, hotel or aparthotel)

Area of intervention: 86,450 m²

Total construction area: 17.888 m²

Total implantation area: 10,279.50 m²

Waterproofing area of tourist developments:

Total plot area: 64,486 m²

Area intended for use: streets: 10,254 m²

parking: 1,509 m² sidewalks: 5,754 m² green spaces for collective use: 2,950 m² green spaces for framing infrastructure: 1,368 m²

transformation station: 24 m² gas tank: 23 m²

bike path: 82 m²

e) The execution of infrastructures outside the intervention area are proposed, which are duly marked and quantified in the respective graphic elements (area plan).

4. Procedural questions (the most relevant)

a) The process was submitted for public discussion Notice n. 0 418/2021, of 01/07/2021, published in the 2nd series of the Diário da República, with a duration of 15 working days from the 5th day following the publication;

b) On February 21, Law n. 0 4-3/2021, which suspended all administrative deadlines in favor of private individuals (effective from January 22);
c) After the clarifications provided, on 05/24/2021, by the Technical-Legal Unit (in view of the publication of Law n. 0 13-3/2021 of 05/04) it was considered expired on 05/4/2021 The period of public discussion in question.

5. Response to petition and individual exhibitions

a) In terms of territorial framework, the intervention area of the subdivision project is covered by the detailed plan of UOPG 3 f of the urbanization plan of Meia Praia Published in Diário da República, 2nd series, no. 0 76, of April 17, 2020, through Notice no. 0 6555/2020;

a) The detailed plan of UOPG 3 fully followed the structure of land occupation defined in the urbanization plan of Meia Praia;

b) In turn, the proposed occupation provided for in the detail plan of UOPG 3 was directly and in its entirety used into the allotment project, thus complying with all the rules established (urbanistic parameters and urban composition) by the plan of detail.

c) As for the relationship between the territorial management instruments, we have to mention that the **urbanization plan of Meia Praia prevails over the provisions of the PDM**, under the terms of n. 0 3 of article 4. 0 of the regulation of the latter, which we now transcribe:

“urbanization plans and detailed plans effective at the date of entry into force of this plan, identified in the planning plan, remain in force and prevail over the provisions of this PDML, as long as they are not subject to change, revision or suspension”.

d) On this matter, the clarification contained in Fernanda Paula Oliveira (2016), Legal Regime of Territorial Management Instruments, Decree-Law n. (Article 115. 0 of the Legal Regime of Territorial Management Instruments):

"The alteration of a municipal master plan can be carried out directly, that is, using a procedure immediately intended for this purpose (...), but also via a more concrete municipal planning instrument (an urbanization plan or a plan for detail),

This is because the principle of hierarchy is not valid here in its entirety, since it is admitted that an urbanization plan may contradict options of a

municipal master plan or a detailed plan may be approved even if contradicting the options of an urbanization plan or the municipal master plan, even though it is even now required that they be subject to governmental ratification, as they are modifying a plan which, in turn, was not subject to this procedure either".

e) In addition, the preparation of the detailed plan observed all the procedural steps, including the period of public discussion, having also collected the opinions of all the entities involved, including the Algarve regional development and coordination committee.

6. Final considerations

In short, and from the technical assessment carried out, it appears that the operation complies with all the rules imposed by the detail plan of UOPG 3, as well as the other applicable rules and legislation, as also declared by the author and project coordinator, under the terms of responsibility presented.

In this sense, it is suggested that this information be made known to the various applicants (Association Miradouro da Luz and signatories of the individual exhibitions).

The Senior Technician and Procedure Manager,