

Land cleaning – Applying the Common Sense Rule

Clearing with just a few days to go before the 15th March deadline for land cleaning there are many property owners who will have not undertaken fuel management (land cleaning) at a range of 50 meters of their house as required by law.

So what happens next?

In accordance with the law owners can be fined and municipal councils enter the land and clean themselves charging owners accordingly.

There are many reasons however why land has not been cleaned despite in many cases the best efforts and intentions of property owners, who now fear that they will be fined; in some cases for a minor infringement.

Safe Communities has met earlier with the GNR, ICNF and ANPC at their national headquarters and at an Algarve regional level and were informed by the GNR that enforcement would be on the basis of advice, warnings and in the event of non-compliance, then fines. The Prime Minister himself has said that the objective is not to fine people, but to ensure compliance to reduce the risk to people and property.

In view of concerns SCP has therefore recently written to the GNR national headquarters seeking clarification on their enforcement policy. We have asked that this be applied consistently and with common sense taking into account various factors. A reply is awaited.

To help property owners SCP has issued its 5th Definitive Guide to Rural Fire Protection and Land Cleaning. This guide cannot provide all the answers, as the laws can be quite complicated and are frequently changing, but I hope it will help address the most important issues and where clarification is required, provide the necessary contacts where further information can be found. I would like to highlight some of the essential points and explain issues which have been outlined to us in our meetings with ICNF and ANPC where the law can be confusing:

Areas of possible confusion

Rural areas – ICNF have explained that means anything other than urban areas. It has nothing to do with your deed just the area where you live. In you live in an urbanisation in the rural area, i.e. a group of houses close together it is necessary under the “cluster” law to create a protection step within 100 meters of the outer perimeter. This a collective responsibility but in reality difficult to achieve.

If you live in a protected area i.e. a natural forest contact the ICNF before taking action to cut trees.

The tax authority have sent out leaflets showing a picture of a house and a 50 meters protection range devoid of any bushes or trees, hence giving the impression that everything must be cut down. ANPC have informed that this has caused much confusion. Intention is to clean in accordance with the following

What is required – mandatory steps – within 50m of outer wall of your house

The space between treetops (crowns) of trees not the trunks should be at least 4m apart. Maritime pine and eucalyptus should be 10 m. However ICNF have explained this is for large areas and if you have a small group of trees that are closer than these ranges this should not pose a problem.

Prune trees 4 m above the ground. For trees with a height of less than 8m, prune the lower half 50% of the tree.

Trees and bushes must be 5m away from buildings and treetops must not extend over the roof. However under new decree law 10/2018 there is some flexibility given to trees of xxx, providing xxx.

Shrubs should not be higher than 50cm. Basically this is aimed at avoiding an overgrowth over larger areas. ICNF advise if in your garden you have shrubs and bushes that exceed this height but are properly managed and separated into groups this should not pose problems.

Do not keep firewood debris or any type of inflammable material within 50m of this area. ICNF advise that firewood should be kept in containers outbuilding etc. If you do not have these or your land is less than 50m keep it far away from house as possible.

In applying this – common sense which we hope applies to enforcement.

Protected trees

There are two main ones. If you have these before starting work apply to ICNF using the two forms (Poda) for pruning and (Corte) for cutting down. These can be downloaded from ICNF and sent in the Algarve by email to ICNF. ICNF advise that if you have sent before 15th March and no response by then, in case of any GNR inspection show them a copy – no problem.

Roads

Municipalities are responsible for cleaning 10 meters either side of public roads, regardless of the fact that this is privately owned. This means they are empowered to enter your land and clean. The standards for cleaning are the same e.g. 4m between trees etc. Some councils may ask property owners to help with this and advice is to do as much yourself as you have greater control over what is removed. If councils do this the wood cut can be sold by them not the owner.

Non-compliant neighbours

If you have made attempts to contact neighbours with overgrown land within 50m of your house without success or they refuse to clean the only option is to report this to the GNR or local Civil Protection office. If this is done by 15th March, then the municipality/GNR will visit and advise, warn etc. If you do not report then, with so many properties, the situation may continue and hence a risk to your house.

Priority for inspections

ICNF has drawn up a list of 1089 parishes, including xx in the Algarve) which are at greater risk and which will be the main target of inspections (and hence enforcement in the event of non-compliance). However if your area is outside these it does not mean you should not comply with the law.

Bottom Line

Much of it is common sense and when deciding what needs to be cleaned simply look at your land and ask a simple question - does this constitute a fire risk? If it does, take action. Also even if your land is not affected by the laws, keeping it clean will help protect your house should a fire breakout nearby.

More information

To view the Definitive Guide to land cleaning, other information and contact details, please visit www.safecommunitiesportugal.com/civilprotection/ruralfires

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