

Use of shore paths

Have local governments and the Environmental Inspectorate made every effort to ensure that people can access beaches and use shore paths?

Summary of audit results

The National Audit Office audited whether local governments have made sure that people can access the sea, lakes and rivers in their territories and whether the activities of the local governments and the Environmental Inspectorate have helped ensure that everyone can spend time on shores to the extent set forth by law.

What did we audit?

During the audit, we checked whether the shores of water bodies in different regions can be accessed by public paths and roads, and whether it is possible to move freely on the shores of water bodies. The audit focused on the 15 local governments where the regions under review were located. An opinion of the activities of the local governments was given as a result of the audit, which covered the planning of access routes to and passages by water bodies and entry into the relevant agreements, as well as dealing with private owners who had unlawfully blocked shore paths.

In addition to this, we analysed the organisation of work of the Environmental Inspectorate in planning the protection of beaches and shores as well as the effectiveness of the proceedings carried out against offenders, presuming that the activities of the Inspectorate are effective if violations on the landscape are terminated and people are allowed to move freely as a result of this.

Why is this important to taxpayers?

Except for a few exceptions specified by law, everyone has the right to move freely on the shores of water bodies throughout the territory of Estonia. However, in order to move on the shores it is necessary to have access to them, and therefore there should be enough roads and paths that can be used by the general public. In practice, those who are interested in access to shores are hikers who love spending time in nature, people who want to visit beaches in summer, coastal fishermen and anglers who want to fish on inland bodies of water.

What did we find and conclude on the basis of the audit?

As a result of the audit, the National Audit Office found that accessing shore paths and moving on them is a problem in most of the observed locations. There are often no public access roads or paths, or they are difficult to find for visitors unfamiliar with the local conditions, land owners have arbitrarily closed the shore paths or installed unlawful barriers, the signs installed by land owners are too ambiguous and the paths past ports are unmarked.

The National Audit Office is of the opinion that the problems are the result of the following circumstances:

- When the land reform was carried out, local governments did not realise how detailed the agreements about future road ownership issues had to be to ensure that everyone could still use the roads and paths that had been in public use. As a result of this, most of the roads and paths that lead to beaches and shores currently belong to private owners, and as they are generally unwilling to allow the general public to use them, the majority of local governments have preferred to remain observers instead of doing something to arrange the required access.

- Even if local governments have prescribed access to shore paths in their plans and organised this via roads and paths that they own or entered into the relevant agreements with private owners, this does not always guarantee that people have no problems accessing shore paths. Ramblers do not proceed from the provisions of documents, but the signs they see on their way. The National Audit Office is of the opinion that local governments have not made every effort to ensure that public access roads to shores are signposted and that all of the signs that people using public roads and paths see on their way are relevant and not misleading.
- Two-thirds of the auditees had not done anything about land owners who had restricted freedom to roam in the audited regions, even though the National Audit Office is convinced that there is sufficient reason to do so. The majority of local governments lack the will to exercise supervision of their territories to the required extent or to carry out proceedings against offenders in the manner required by law. The reason here is not so much the complexity of proceedings, but the unwillingness of the local governments to find themselves in conflict with members of the local community. The interests of the smaller community living near the shore do not always coincide with the broader public interest, and local governments prefer to proceed from the interests of the community living on the shore, especially in cases where the latter hold a favourable position in the local government as representatives of taxpayers or local residents.
- There are only a few local governments where the officials responsible for this area actually monitored the situation on shore paths.
- Despite the thoroughness of the activities of the Environmental Inspectorate in planning the protection of beaches and shores, the proceedings carried out in respect of offenders have not been effective, as in at least four of the 10 cases reviewed by the National Audit Office where the Environmental Inspectorate had recently (from 2012-2014) ascertained breaches, the shore path was still (or again) blocked or closed.
- Cooperation between the Environmental Inspectorate and local governments is also not working. Both the Inspectorate and the local governments have the competence to conduct proceedings in offences committed on shore paths, but they do not inform each other of their proceedings or their outcomes.

The National Audit Office is of the opinion that local governments should organise access to shore paths via roads and paths in their ownership, or if necessary, make an agreement about this with the owner of the road or path.

What did we recommend as a result of the audit?

Recommendations of the National Audit Office to local governments:

- turn more attention to access to shore paths when general plans are prepared and reviewed;
- enter into appropriate agreements with local land owners and organise access to shore paths if this has become impossible due to the actions of the land owner;
- put up more signs to mark public access routes to beaches and shores, and parking facilities.

Important recommendations of the National Audit Office to the Environmental Inspectorate:

- cooperate more with local governments;
- give special attention to the need to carry out follow-up inspections when work plans are prepared.

Responses of auditees: Both the audited local governments and the Environmental Inspectorate agreed with the recommendations made by the National Audit Office and promised to take them on board in the organisation of their work.