



The Openness of Local Government Bodies Regulations 2014

These require that officers keep and publish a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case ,
materially affects the Authority's financial position (£50,000 or over).

Subject of Decision: Creation (extension) of public footpath 412025 Cogra Moss, Lamplugh Parish

Relevant section of Scheme of Delegation

PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS - ANNEX 3 - Functions delegated to Head of Rangers and sub-delegated to Ranger Team Leaders. **Rights of Way and Access Matters** - All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made.

“Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.

Background

Since around 2010 we have been working towards extending the dead-end footpath that runs along one side of Cogra Moss so that it completes a circle around the waterbody. This has progressed in sections, and the practical works to bring it into existence were finally completed in 2024. The landowners have agreed that the route constructed should be a public footpath.

Details of Decision

To make a creation order to extend the existing public footpath 412025 from Point G (on the map attached to the report), anti-clockwise around Cogra Moss to rejoin footpath 412025 at Point A.

Details of alternative options considered and rejected

Making no order at all, entering into creation agreements.

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest

None

Lead Director	Hanna Latty, Director of Sustainable Development
Author and contact details of report	Nick Thorne, Senior Rights of Way Officer
Background Papers	Case file 1412.412.02
Date of Report	26 August 2026
Authorising officer	Ranger Team Leader
Date	26 August 2026



Lake District
National Park

Creation (extension) of public footpath 412025

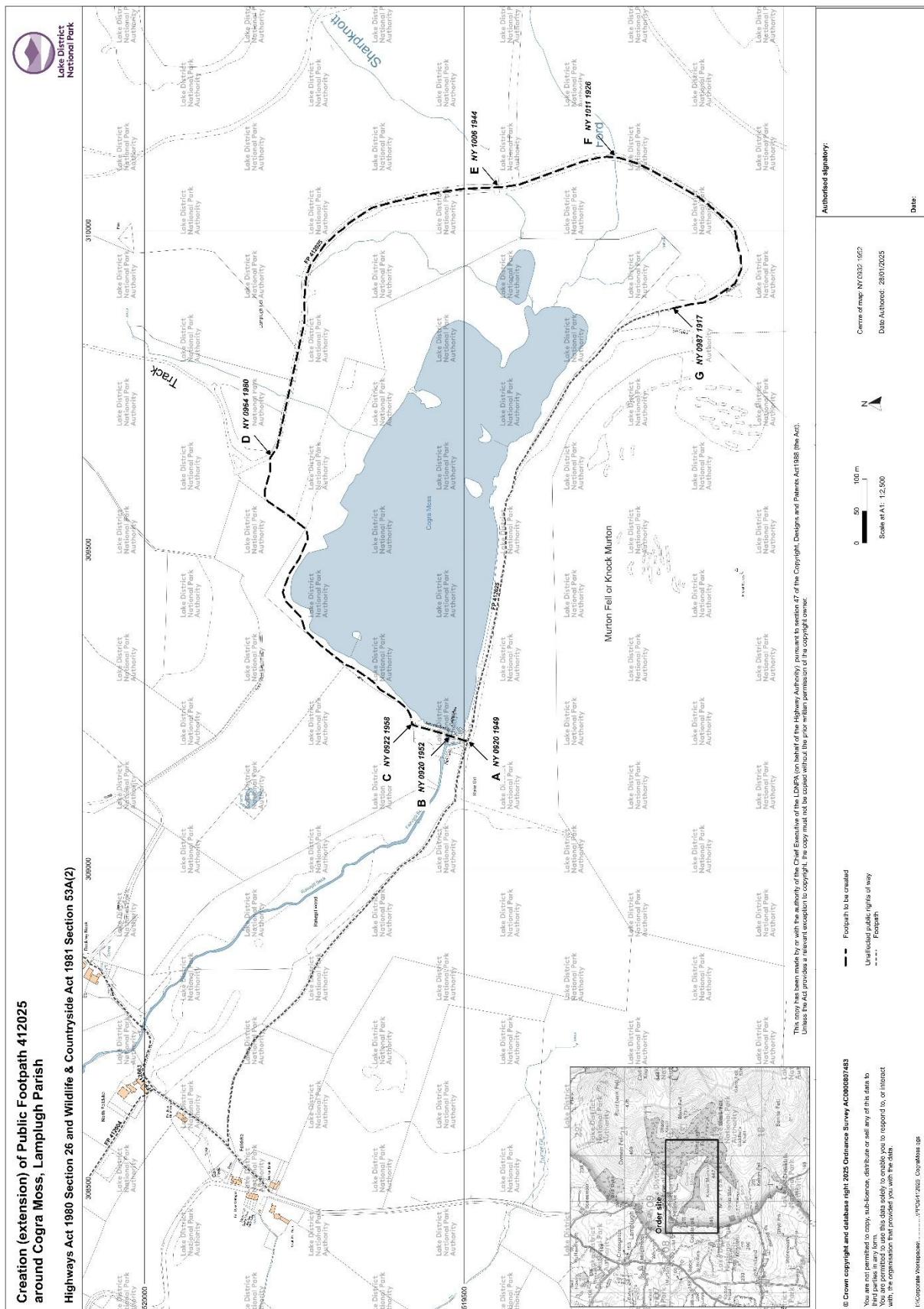
Cogra Moss, Lamplugh Parish

Summary

1. Since around 2010 we have been working towards extending the dead-end footpath that runs along one side of Cogra Moss so that it completes a circle around the waterbody. This has progressed in sections, and the practical works to bring it into existence were finally completed in 2024. The landowners have agreed that the route constructed should be a public footpath.

Recommendations:

- a **We make a creation order to extend the existing public footpath 412025 from Point G (on the map of page 2 of this report), anti-clockwise around Cogra Moss to rejoin footpath 412025 at Point A;**
- b **We confirm the Order if no objections are received and sustained;**
- c **The matter is referred to the Rights of Way Committee if substantive objections to the Order are received.**



Background

2. The Cumbria County Rights of Way Improvement Plan (ROWIP) was formalised by Cumbria County Council in 2007 after working in partnership with us and the Yorkshire Dales National Park. The Vision of the improvement plan was taken from the Cumbria Countryside Access Strategy of 2005:

Cumbria should be a place in which visitors and local people can share the exploration, enjoyment and understanding of the diversity of our county's countryside and heritage. The provision of access should be clear, respect land ownership and management and meet users' particular needs. Good management of access to and within the countryside should make an increasing and positive contribution to the sustainability of our environment, communities and economy.

In order to achieve this vision Cumbria County Council, the Lake District National Park Authority and the Yorkshire Dales National Park Authority are committed to working together to improve public access to the countryside of Cumbria. This will include developing actions together and bidding in partnership for funds that will implement them. Delivering this plan will also lead to improvements in health, education, social inclusion, sustainable travel and the environment. All of the aims of the plan will be achieved by working together with all stakeholders and other interested parties.

Cumbria Countryside Access Strategy, 2005

3. The ROWIP contained a number of aims, mainly around improving and extending the rights of way and access network to help make it more user-friendly, attractive and connected. With the underlying aim of bringing about social, environmental and economic benefits.
4. This was to happen via a number of actions, including: *creating attractive short circular walks in and around where people live and visit, by making path improvements, links between paths.....*
5. Action 2 was (note third bullet point):

2 Improvements for walkers:

- better signage of routes with length and destinations
- creation of new footpath links
- promotion of short walking routes around settlements and beauty spots
- development of long distance walking routes.

6. One of the suggestions from the public (L350) was a properly maintained and usable circular walk around Cogra Moss – an upland tarn, at that time surrounded in parts by dense forestry, and with a rough trod along parts of it.
7. In around 2013-2017 we discussed the suggestion with Forestry England and United Utilities who own the land. United Utilities were planning to decommission Cogra Moss as a water supply, and Forestry England had plans to clear-fell the area.
8. Various proposals were put forward – and our preferred option was to extend the existing dead-end footpath around the Moss and construct a path that was to Miles without Stiles standard – with the possibility of it also being a bridleway, and the additional possibility of a bridleway running south and east to create further links.
9. In the end, these ambitious proposals were tempered downwards – the bridleway was ruled out partly because of the required nature of new bridges over the Moss outlet and the need to involve further landowners, and the full Miles without Stiles project could not be achieved because of the gradient of the approach path (this runs up a steeping concrete and stone track – the original hope was to have some sort of parking for those with limited mobility at the top of it – but this wasn't achievable). However, the end 'product' is usable to those with trampers and mobility scooters. And to those on foot.
10. The construction of the path has been piecemeal, depending on funding and opportunity. United Utilities constructed a path in around 2020 along the top of the dam (point A towards D) and applied for planning permission to do this. The permission (7/2019/4013) and application made it clear that the intention was for the path being constructed to be a public path.
11. Forestry England constructed an extraction track along part of the section D-F, and after felling, removed some of the vehicular width, leaving a stone surfaced footpath. Some years later, we worked with them to obtain grant funding to complete the loop (around point D).

12. Funding for the physical works on the path was partly made available through a successful application made by Friends of the Lake District to the Cumbria Community Foundation / Cumbria Pipeline Project (United Utilities funded)
13. In 2025, after all the practical works had been completed, we went back to the landowners to begin the process of entering into a creation agreement or making a creation order (there is also a third landowner involved – they own a few metres at the northern end of the dam). United Utilities then expressed concerns over whether it would impact on their ability to control their land – but after being approached by the local Member of Parliament agreed not only to the public footpath, but also to replace the bridge across the outflow at their expense. The other landowners were in full agreement.
14. We are therefore in a position where the 15-year old project to create a public footpath around Cogra Moss to meet the aims and actions of the Cumbria Rights of Way Improvement Plan has been achieved on the ground through practical works, funded by a variety of public and private bodies and grants. The only part of the jigsaw left is to recognise the route formally as a public footpath.
15. We consulted our usual consultees, user bodies and interested parties in 2025, and received support from all. Cumberland Council initially had some concerns about adding this to the rights of way network, but in August 2026 agreed to support the creation.
16. It should be noted that the 2007 Cumbria Rights of Way Improvement Plan was replaced by Cumbria County Council in around 2019 with their Cumbria Countryside Access Strategy 2019-2024. This incorporated much of the same principles, but was less detailed and prescriptive. This has expired since local government reorganisation – and we are not aware of any current countryside access strategies for Cumberland.

Policy context

Links to Vision and Management Plan

17. The Vision for the Lake District National Park sets out our aspirations for what we hope to achieve by 2051. It is that the Lake District is deeply valued by the nation as a thriving, working landscape, which is nature and heritage rich, climate resilient, and socially and economically vibrant.
18. The Management Plan contains the policies and actions for achieving the aims of the Vision. One of the nine objectives is to 'Inspire people to understand, enjoy and care for the Lake District', and one of the best ways to achieve this is to have an easy-to-use rights of way network to enable people to explore the landscape, nature and heritage. An aim within the objective is 'Improving and maintaining the rights of way network'.

Links to Business Plan

19. Our Business Plan states what actions will be taken as the National Park Authority plays its part, in partnership with others, in realising the Vision. The core Access & Recreation Action is to deliver the 'improve, maintain, promote and integrate elements' of the 'Out there' Strategy to deliver infrastructure and services which focus on serving under-represented groups.

Links to other strategic plans

20. The Ranger Service Plan contains the priorities for our service, including Contributing to World Class Visitor Experiences. This aims to achieve a programme of activity that will implement the adopted Lake District Access and Recreation Strategy.
21. 'Out There' our Access and Recreation Strategy contains our vision for countryside access and recreation in the Lake District: *A well connected network fit for purpose in the 21st Century with high quality infrastructure, facilities and services meeting the needs of all visitors and residents.* We have identified four priority themes of work, and under each of these are a series of

strategic actions that will contribute to the achievement of our goal and our strategic aims. The four priority themes are:

- Improve: rights of way and countryside access.
- Manage and maintain: rights of way, countryside access and recreational activities.
- Promote and engage: connect more people to nature and the special qualities of the Lake District.
- Integrate: with health and wellbeing, sustainable transport and the economy.

22. In essence, this project meets the aims within the Access & Recreation Strategy, as well as the aims of the original ROWIP as discussed in the background section earlier. It enables a wide range of people to access a relatively short circular walk around an upland water body in perpetuity.

Grounds and Tests for a Creation Order

23. There are two questions to consider under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.

- Is there a need for the new path(s)?
- Is it a good idea to create the new path(s) taking account of;
 - how they will be more convenient or enjoyable for most of the people living locally or other members of the public; and
 - how they will affect the rights of those with an interest in the land

To address the first part of the question (is there a need) it is useful to address the second part of the question first.

Will it be more convenient or enjoyable for most of the people living locally or other members of the public?

24. The whole purpose of the project so far has been to increase the convenience and the enjoyment for the public. As can be seen from the photographs (Annex 2), a sort of path existed in the past – but it involved duckboards, standing water, bog, and trees to negotiate. There is now a pleasant easy-to-use dry surfaced path right around the attractive Cogra Moss. The gradient from the car park at Felldyke will prevent some people with limited mobility from accessing the path in the first place, but anyone who can get to Point A, now has a lovely circular walk. As this site is relatively close to urban areas such as Cleator Moor, Whitehaven and Workington, it will increase the ability for people from the urban areas to have relatively easy access to special parts of the National Park. This fits within the general aims of improving the health and well-being of the population of Cumberland.
25. The convenience and enjoyment aspect can be seen from the responses to our consultation in 2025.

Consultation Responses

26. We consulted all of our usual consultees – which include the local councils, user bodies, and other interested parties. The responses we received are below, with any further comments from us in italics.

Miles without Stiles Co-ordinator	It's a lovely route.
Cumberland Council	The information provided enables us to support the proposal.
Open Spaces Society	We are grateful too all involved in making this possible and warmly welcome the proposal. Given the width and surface of the new footpath why was it only considered as a footpath and not bridleway (which of course would need a change the status of the path up from the car parking area at Felldyke)?

Cumbria Bridleways Society	Would like to see the route as a bridleway, and consider that it is not too narrow to be one. <i>We have considered a bridleway, and indeed this was one of the early proposals. However, the landowners were only, at that time (and now), willing to dedicate/accept the route as a footpath – and the bridge over the outflow is not to bridleway specifications. The work progressed on the basis that it would be a footpath – which defined the specifications adopted - the surfaced path is also quite narrow (1.6m in parts) for shared usage, and would take a lot of extra funds and planning consents and so on to widen. The bridleways society comment that they consider it does not have to meet the required specifications to be usable as a bridleway – but we are generally obliged when creating new paths to meet those specifications. And as this is an extension of an existing footpath, accessed by a longer footpath – these routes would also need to be upgraded (physically and legally).</i>
Friends of the Lake District	We strongly support the proposal. As stated in your email below, the current, permissive path was created as a result of work and funding by us, and others, several years ago. It is great news that this circular route will now be given longevity and protection through formal designation as a Public Right of Way, alongside works to widen the path along a short stretch over the bridge at the outflow to improve accessibility.

Representative for the Cycle Mayor of Cumbria	The route proposed has for many years already been "explored" by cyclists (mountain/Gravel bikes) and Horse riders, to restrict this to be just a footpath does miss out on many benefits that a legal byway let's think safe family cycling here. I would like the proposal to be considered as a bridleway and for any byway that horse riders to be considered although the bridge maybe prohibitive? This may mean that an out and back would be required or even circular up into the woodland fire roads of Lamplugh and Murton Fell?. There are many options, the proposal is thinking small and is excluding. To just designate as only a footpath is short sighted. <i>The same comments as above apply. In addition, the route has only really just been constructed – and although there is some strava evidence of the route across the dam having been used by cyclists, there is no significant evidence of the rest of the route being used by cyclists. Again – to meet the request would need a lot more involvement of other landowners and the designation of a lot more routes to enable cyclists to reach this circular path.</i>
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27. The new route is already proving popular – as can be seen on things like facebook posts and trip advisor. Some examples are:

- [Facebook](#)
- [Facebook](#)
- [Facebook](#)
- [TripAdvisor](#)
- [United Utilities to make Lake District route accessible | News and Star](#)
- [Instagram](#) – Josh MacAllister MP

Other Considerations Required by Legislation

28. Before confirming a Public Path Creation Order we are required to have regard to any material provision of a Rights of Way Improvement Plan (RoWIP). This has been discussed earlier.
29. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The path will be available for some/many users with limited mobility, so long as they can reach the site.
30. Impact on the needs of agriculture and forestry - assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. There is no impact on forestry, the land has already been clear-felled. Any subsequent re-stocking and felling will take the existence of the footpath into account. There is no impact on agricultural practices.
31. We consider landscape impact, biodiversity and archaeological interests and have to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. And under section 11 of the Countryside Act 1968 we have to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. We have not identified any impacts.
32. Impacts on Outstanding Universal Values – There do not appear to be any major impacts on the OUVs of the Lake District World Heritage site.

How will it affect the rights of those with an interest in the land?

33. The landowners are in support of the construction of the path physically (and have done this work) and accept it being recorded as a public footpath.
34. There is the possibility that the path may need to be closed in future to allow works to be carried out to the dam or for forestry reasons. We have assured the owners that if this is necessary, then we would waive any of the usual fees charged for Temporary Traffic Regulation Orders. That is – they should not be penalised for their generosity in enabling this project to happen.

Is there a need for the new path?

35. This is the fundamental question – after considering all of the above.

- The whole project to create the path around Cogra Moss (including applications for funding and planning permission) has been on the basis that a new public right of way would be created – and that it would turn what is currently a dead-end public right of way into an enjoyable circular right / route which is suitable for a wide range of pedestrian users (including those with limited mobility or users with mobility equipment). If the intended outcome wasn't for a legally secure route around the reservoir to be created then we would probably not have involved ourselves in the project, and our lack of involvement would probably have meant the project would not have gone ahead.
- There would be other benefits of the route being a public right of way; there would be legal protection for the route (it couldn't be closed by the landowner), the path surface will be maintained and there will be a duty for obstructions to be removed to protect the public interest, temporary closures / diversions would need to meet legislative requirements, the path will appear on OS mapping and the route will be signed if / where needed. All this should protect a route which will clearly be of great amenity for locals and visitors.
- It would a concern if we gained a reputation for obtaining funding and working on projects with landowners to create paths which were intended to become PRow, and then once the physical route was created washed our hands of them – we would fairly quickly find it difficult to find willing partners (or external funding) for new access improvement projects.
- The highway network exists for people to travel from place to place, but perhaps add to that, that it exists to allow people to get between places they want or need to go. In this case – Cogra Moss is a place where in our

view there would be a significant benefit to public enjoyment from having a path around the reservoir available (along with contributing to opportunities for improved health and wellbeing). And our view is that the best way of protecting paths such as this for the future is to have the routes legally defined as a public right of way.

36. I consider that there is a need for the new public right of way. The questions above asks us to look at whether the path would impact on the enjoyment of the public. In my view, having a short circular right of way around the attractive Cogra Moss adds greatly to the enjoyment of the countryside.

Options

37. The options are relatively simple:
- A: make the recommended creation order
 - B: make no order.

Proposals

38. I recommend option A. Not making any order (B) will mean that we would not meet the original agreed aims of the project. The path would be in existence physically, but would not be protected in perpetuity, and there would be no obligation on anyone to maintain it.

Stakeholder consultation

39. We have consulted our usual consultees comprising all the local authorities and relevant user bodies, interested parties, utility companies – along with others whom have requested to be consulted. These are all included and discussed within the assessment in Annex 3.

Demonstrating best value

Work Programme and Relevance to This Case:

40. This is a priority case for us to consider. As can be seen, it is the culmination of a long-term project – which has already passed many hurdles over the last fifteen years.

41. **Challenged** – The **challenge** is for us to achieve our policies without significant financial or staff implications. There has been a large amount of staff resource dedicated to this project over time, including preparing this report – but in concentrated bursts, so it is difficult to determine just how much.
42. **Compared** – We have **compared** our casework completion rates with other authorities, and our rate of processing these sorts of orders is roughly comparable.
43. **Consulted** – We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are within the assessment report. The proposal has arisen through the partnership between a number of organisations, especially United Utilities and Forestry England without whom this project would not have matured.
44. **Compete** – Processing public path orders is not a **competitive** procedure. Cumberland Council can also process orders, but we are closer to the day-to-day management of this type of work, and have led on the project with our partners.

Finance considerations

45. Our general costs for processing an unopposed creation order is around £3,150 (mainly staff time costs), and two adverts in the local newspaper costing around £500+VAT each.
46. It is difficult to work out the actual cost of staff time already expended on the project to date. The work has been spread out over many years, with many different staff involved (it has spanned four Area Rangers alone!).
47. In terms of the pure legal and administrative work from hereon – if we make an Order and it is unopposed, the costs set out above would apply.

48. If objections are received, then the matter may be submitted to the Secretary of State – and we may have a public hearing or inquiry. The costs (again mainly staff time) could be anything up to £10,000. It is difficult to calculate because of the variety of possible outcomes and decisions on how to proceed, which will be out of our hands. It partly depends upon the nature of the objection.
- a. For example, we do receive objections from individuals who wish to object to many pieces of work, but generally fail in those objections – the process chosen by the Planning Inspectorate here is usually relatively cheap and non time-consuming written representations.
 - b. Objections by more than one person, or with more substance are often determined by hearings – which are a half-way house between an expensive Public Inquiry and written representations.
49. If a creation order is pursued, and does not succeed after submission – then a landowner's costs in opposing the matter at a public hearing or inquiry would automatically be awarded against us. This is unlikely to happen given that the landowners support the project.
50. Conversely, if the order succeeds (with or without objection) then the landowners may claim compensation for the impact on their land under the provisions of section 28 of the Highways Act 1980. This would have to be claimed (that is – it is not automatic), and the amount would then be agreed or determined by the Land Tribunal. Again, this is highly unlikely given the support from the landowners.

Risk

51. The significant financial risks have been outlined in the financial considerations section above. Other risks include:
- a. Reputational – if we do not make the proposed order, our reputation as an organisation that delivers according to our approved strategies and aims would be damaged, particularly amongst our partner organisations and funders, and also the public.

- b. Damage to Partnership Working – the path has been constructed by our partners and grants have been awarded by other partners – all predicated on the route then becoming a public right of way. If we do not complete this aspect, then it will be far less likely that partners will be keen to carry out such improvements in the future.

Legal considerations

- 52. The Order would be made under section 26 of the Highways Act 1980 and we are able to make orders under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Cumberland Council. The action strikes a reasonable balance between private and public rights.
- 53. We did consider progressing the matter through creation agreements with the two landowners, which removes the opportunity for objections. However, the unusual circumstances and progression of the project means that whilst the landowners are now content for the path to be created by Order, in our view they would be less willing to actually sign documentation dedicating the path. One way is passive for the owners, the other is active – we feel that the passive option is more likely to preserve partnership relations.

Human resources

- 54. The work involved in this proposal depends very much on whether the matter goes to the Secretary of State or not. If it doesn't, then the time aspect is relatively small – around 40 hours from members of the Ranger teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken. If the matter is submitted to the Secretary of State then, depending on how they determine the matter, the time aspect is much greater – possibly in the region of 200+ hours from the rights of way staff, and many dozens of hours from a member of Legal Services. We have not committed to a set time in our

Service Plans, but is part of our general allocation to public path order work (that is – we have the capacity to deal with this, but at the expense of not doing other order work).

Diversity implications

55. The resultant paths will be usable for many people with limited mobility issues – however, the difficulty is in reaching the site up the track from the car park because of the gradient. Anyone able to reach the site with a tramper / mobility scooter / off-road wheelchair will not have any trouble using the path itself.

Sustainability

56. I have not identified any negative environmental, economic or social effects.

Summary

57. The proposal will benefit the walking public, and is supported by all except for the highway authority. I recommend that we make the creation order.

Background papers	Case file reference: 1412.412.02
Author / Post	Nick Thorne, Senior Rights of Way Officer
Responsible Director	Hanna Latty, Sustainable Development
Date written	26 August 2026

Authorised by:



Name: Steve Tatlock, Ranger Team Leader (South)

Date: 26.08.2026



Lake District
National Park

Lake District National Park Authority
Creation Order Authorisation – Cogra Moss: 26 August 2026

Annex 1: Page 1

Annex 1: Photographs of route

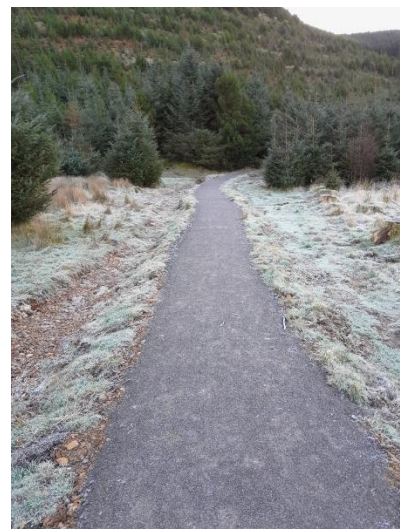
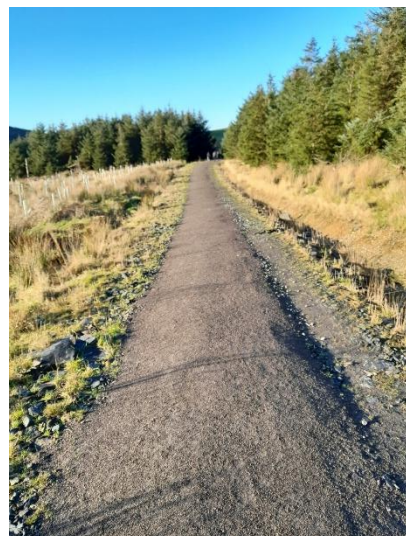
2017 / 2018 – before any work



2021 – after phase 1 of work, but before completion



2024 – after all path work, except new bridge



2025 – new bridge (on left)



Scenery from new route

