

HELPRINGHAM PARISH COUNCIL

clerk@helpringhamparishcouncil.gov.uk

Eau End Farm, Helpringham Fen, Sleaford, Lincolnshire NG34 0BS

16th March 2026

Gareth Davies MP
Office 1, The Old National School
62 North Street
Bourne
PE10 9AJ

Dear Mr Davies

Escalated Formal Complaint – Highway Safety Risk, Misuse of Statutory Powers, and Governance Concerns within Helpringham Parish

Helpringham Parish Council is writing to formally escalate a number of serious concerns regarding the management of highway infrastructure within the parish by Lincolnshire County Council.

These concerns relate to:

- a developing structural failure on the B1394 where the road runs adjacent to the beck
- the routine use of emergency statutory powers for non-emergency highway maintenance
- the use of disproportionate road closures for minor works
- limitations in the current reporting system used to manage infrastructure defects
- concerns regarding the quality and durability of highway maintenance works undertaken by contractors

Taken together, these matters raise significant concerns regarding highway asset management, public safety, and governance.

Progressive Structural Failure on the B1394

The Parish Council has repeatedly raised concerns regarding the deteriorating condition of the B1394 where the carriageway runs immediately adjacent to the beck.

The situation has worsened significantly in recent months. Previously isolated cracks have now linked to form a continuous defect extending for over 100 metres along the lane nearest the beck. A further longitudinal crack approximately 20 metres in length has also developed in the opposing lane.

These features are accompanied by visible subsidence within the carriageway and deformation of the adjacent bank.

The observed pattern of cracking and ground movement is consistent with the development of a rotational slip within the clay sub-strata beneath the carriageway. These are widely recognised indicators of the formation of a slip circle and are typical precursors to embankment failure.

The road and bridge at this location were constructed in the early nineteenth century when traffic volumes and vehicle weights were dramatically lower. Modern traffic conditions now include regular use by heavy goods vehicles with gross vehicle weights of up to 44 tonnes.

It is therefore the Parish Council's view that cumulative loading on the underlying clay strata has exceeded the ground's bearing capacity, contributing to the development of the observed instability.

While ground saturation may exacerbate instability, the Parish Council does not accept that the issue primarily relates to the watercourse. It is noted that the Environment Agency has declined to intervene, indicating that the matter does not fall within its remit.

Responsibility therefore rests with the Highway Authority.

The Parish Council is deeply concerned that the County Council's current position appears to be limited to continued monitoring of the site rather than undertaking preventative stabilisation works.

The ongoing movement of the carriageway represents a credible precursor to catastrophic embankment failure. Should failure occur, the consequences could include:

- collapse of the carriageway
- significant danger to road users
- loss of an important transport route
- damage to bridge (which is a listed structure) and highway infrastructure
- obstruction of the beck and elevated upstream flood risk

The Parish Council must therefore place on record that the County Council has received multiple warnings regarding the deteriorating condition of this section of highway over an extended period.

Statutory Duty to Maintain the Highway

Under the Highways Act 1980, highway authorities have a statutory duty to maintain highways maintainable at public expense.

Where a highway authority is aware of developing structural failure and elects not to take preventative action, the authority may face significant legal exposure if the highway subsequently becomes dangerous or unusable.

The Parish Council therefore urges the County Council to urgently review its current monitoring-only approach in light of its statutory obligations.

Early stabilisation works are likely to represent a far more cost-effective intervention than emergency reconstruction following an embankment collapse.

Use of Emergency Powers under Section 52

Helpringham Parish Council has also recently reviewed the response provided by the County Council to a Freedom of Information request concerning the use of emergency powers under Section 52 of the New Roads and Street Works Act 1991.

The information supplied indicates that these powers are being used to implement road closures for works including pothole repairs, carriageway patching, gully replacements and other routine maintenance activities. Section 52 exists to allow immediate action where emergency works are necessary to prevent danger to persons or property.

The examples provided within the Council's response suggest that these powers may instead be being used as a routine administrative mechanism for foreseeable maintenance works.

If this interpretation is correct, the Parish Council is concerned that emergency powers may be being used in circumstances where Temporary Traffic Regulation Orders would normally be required.

Such practices raise legitimate questions regarding statutory compliance, transparency and governance.

Use of Disproportionate Road Closures

The Parish Council has also observed the frequent use of full road closures for relatively minor highway works where alternative forms of traffic management — such as temporary traffic signals or lane control — would have been significantly less disruptive.

These closures have repeatedly caused unnecessary disruption to residents, local businesses and road users.

A review of traffic management decision-making would appear to be warranted in order to ensure that the least disruptive and most proportionate options are used.

Limitations of the Defect Reporting System

The Parish Council also notes limitations in the current use of the FixMyStreet reporting system.

While the platform works adequately for isolated defects such as potholes, it is not designed to capture complex or progressive structural issues affecting extended lengths of highway.

This creates difficulties for residents and parish councils attempting to report developing infrastructure problems of the type now occurring on the B1394.

Quality of Maintenance Works

The Parish Council also wishes to highlight concerns regarding the quality and durability of certain highway maintenance works undertaken by contractors acting on behalf of the County Council.

In several cases, repairs appear to be short-lived and require repeated intervention. This raises legitimate questions regarding contractor supervision, workmanship standards and value for money.

Financial and Governance Risk

The Parish Council believes that the issues outlined above also create potential financial and reputational risks for the County Council.

If a known infrastructure defect ultimately results in a highway collapse, significant claims for property damage, personal injury or economic disruption may arise.

In addition, the routine use of emergency statutory powers for non-emergency works may raise audit and governance concerns regarding the lawful exercise of those powers.

Should the matters raised in this letter remain unresolved, the Parish Council may have little option but to consider escalation through appropriate oversight channels, including the Local Government and Social Care Ombudsman and, if necessary, raising the matter with the Department for Transport.

Requested Actions

In light of the seriousness of these concerns, Helpringham Parish Council respectfully requests that the County Council:

1. Commission an urgent independent geotechnical assessment of the B1394 embankment adjacent to the beck.
2. Provide the Parish Council with copies of any structural or geotechnical assessments previously undertaken at this location.
3. Review the current monitoring-only approach in light of the evidence of progressive ground movement.
4. Conduct a formal review of the use of Section 52 emergency powers for routine highway maintenance.
5. Review the use of full road closures for minor works to ensure the least disruptive traffic management methods are used wherever possible.
6. Review contractor quality assurance procedures for highway maintenance works within the parish.

Conclusion

Helpringham Parish Council considers the condition of the B1394 to represent a potentially serious infrastructure risk. Early intervention would almost certainly be less costly and less disruptive than responding to a catastrophic failure after it occurs.

The Parish Council remains willing to work constructively with the County Council to resolve these issues. However, given the seriousness of the concerns outlined above, we request a clear and substantive response outlining the Council's position and proposed actions.

Yours faithfully

Geoff Hotchkin

Chairman
Helpringham Parish Council

Dr John Pittock DD, M. Sc., FCMI, MIAM

Councillor
Helpringham Parish Council

cc: Dame Andrea Jenkyns DBE, Mayor of Lincolnshire
Andrew Crookham, Chief Executive of Lincolnshire County Council
Councillor David East, Lincolnshire County Council Heckington Division