



# HIGH SPEED TWO PHASE ONE INFORMATION PAPER

## E12: BURIAL GROUNDS

This paper outlines HS2 Ltd's approach to assess and reduce as far as reasonably practicable, the impact on burial grounds, human remains and associated monuments that could result from construction works.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the Bill for Phase One of the scheme which is now enacted. Although the contents were maintained and updated as considered appropriate during the passage of the Bill (including shortly prior to the enactment of the Bill in February 2017) the contents are now historic and are no longer maintained.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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# E12: BURIAL GROUNDS

## 1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In November 2013, HS2 Ltd deposited a hybrid Bill<sup>1</sup> with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the project have been reached.

## 2. Burial Grounds, Human Remains and Monuments

- 2.1. This information paper outlines HS2 Ltd's approach to assess and reduce as far as reasonably practicable, the impact on burial grounds, war graves, human

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<sup>1</sup>The High Speed Rail (London – West Midlands) Bill, hereafter 'the Bill'.

remains and associated funerary monuments (e.g. gravestones) that could result from the construction of Phase One of HS2.

- 2.2. All human remains affected by Phase One of HS2 will be treated with all due dignity, respect and care. Any impact caused by Phase One works on human remains and associated monuments is an emotive and complex matter and HS2 Ltd and the Promoter recognise their duty to address the concerns of individuals and communities.
- 2.3. Construction of Phase One of HS2 will require a range of activities which will involve ground excavation. Such works will have a direct physical impact on known burial grounds (see table 1.1) and also have the potential to reveal and remove human remains associated with archaeological investigations<sup>2</sup>.
- 2.4. Burial grounds have been avoided as far as practicable during the development of the scheme design. Where avoidance has not been possible, every attempt will be made to limit the impact on burial grounds during the development of the detailed scheme design.
- 2.5. HS2 Ltd and the Promoter will continue their engagement with relevant organisations and individuals regarding the impact of Phase One of HS2 on burial grounds, human remains and associated monuments.

### **3. Schedule 20 to the Bill**

- 3.1. Schedule 20 'Burial Grounds' to the Bill provides a regime for the removal of human remains and related funerary monuments. The Schedule disapplies existing legislation in relation to burial grounds, human remains and monuments to deceased persons to enable works authorised by the Bill to be carried out. The disapplication is conditional on those remains being removed and dealt with in accordance with the requirements of Schedule 20.
- 3.2. Schedule 20 includes the need for the nominated undertaker to publish and display notice, in relevant local newspapers and near the burial ground, of the intention to remove any human remains or monument. This notice will include an explanation that a qualifying relative or personal representative may within 56 days, apply for a licence to remove the remains and monument themselves. No such notice is required in cases where the Secretary of State is satisfied that remains were buried more than 100 years ago and that no relative or representative is likely to object.
- 3.3. Where burial has occurred over 100 years ago, consideration will be given to the extent of archaeological investigation and recording. The nature and extent of any archaeological investigation will be determined in discussion with Historic England, the Archbishops' Council (Church of England), the relevant local authority and, where applicable, other religious authorities and Commonwealth

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<sup>2</sup> See E8: Archaeology Information Paper

War Graves Commission. The Heritage Memorandum and Code of Construction Practice set out the framework and management of archaeological and heritage investigations on Phase One of HS2 (see 'Framework for the Control of Impacts', below).

- 3.4. Records of the human remains removed under the Schedule are required to be kept by the nominated undertaker and provided to the Registrar General<sup>3</sup>. Records of monuments removed under the Schedule must be provided to the relevant local authority and the Registrar General.
- 3.5. The nominated undertaker will develop a 'Burial Grounds, Human Remains and Monuments Procedure' to implement the legal requirements of the Bill.

## 4. Framework for the Control of Impacts

- 4.1. The EMRs<sup>4</sup> are a suite of documents that are being developed in consultation with local authorities and other relevant stakeholders in relation to environmental impacts of the design and construction of the Proposed Scheme. Information Paper E1: Control of Environmental Impacts, provides further details. Two parts of the EMRs - the Heritage Memorandum and the Code of Construction Practice - are especially relevant to the archaeological works, where they include burial grounds, human remains and monuments that will be required as part of the Phase One of HS2 construction works.
- 4.2. The Heritage Memorandum sets out how the historic environment will be addressed during the design and construction of Phase One of HS2. It provides a framework for the nominated undertaker, Historic England, local authorities and other stakeholders to work together to ensure that the design and construction of Phase One of HS2 is carried out with proper regard for the historic environment.
- 4.3. The Code of Construction Practice (notably the section titled: Cultural Heritage), will require the nominated undertaker to ensure that the works are carried out in such a way as to ensure that disturbance to all heritage assets is managed in accordance with accepted industry practice and, where disturbance cannot reasonably be avoided, is controlled and limited as far as reasonably practicable.

### Affected Burial Grounds

- 4.4. Three burial grounds will be significantly affected requiring the removal of all, or the majority of, the human remains and associated burial monuments. All were closed to burial over 100 years ago and are summarised in Table 1.1.

**Table 1.1: Known Burial Grounds directly physically affected**

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<sup>3</sup> The Head of the General Register Office for England and Wales, which maintains the national archive of all births, marriages and deaths.

<sup>4</sup> <http://www.hs2.org.uk/hs2-phase-one-hybrid-bill/hybrid-bill/ajax/690/nojs>

Name	Date	Disused/In use?
St James's Gardens, Euston	1789-1853	Disused
St Mary's churchyard, Stoke Mandeville	Medieval - 1908	Disused
Park Street Gardens, Birmingham	1810-1873	Disused

4.5. In addition to the burial grounds named above, four other burial grounds lie above the tunnelled route of Phase One of HS2 and/or lie partially within the limits of land to be acquired or used:

- North Acton Cemetery in the London Borough of Ealing;
- Kensal Green (All Souls) Cemetery in Royal Borough of Kensington and Chelsea;
- St Mary's Roman Catholic Cemetery in the London Borough of Hammersmith and Fulham; and
- St Giles Church in Chalfont St Giles, in Chiltern District.

### Investigation

4.6. Human remains encountered along the route of Phase One of HS2 will comprise a variety of burials, deposits, monuments and associated artefacts. In some locations information exists from a range of records of burial sites and graveyards, for example the post medieval burial grounds at St James's Gardens (Euston). Other burial and associated funerary monuments may be identified during the course of on-going archaeological research and investigation, such as prehistoric or Roman remains.

4.7. HS2 Ltd's archaeological approach to human remains and associated funerary monuments will be developed on a case by case basis and location specific investigation will be prepared to address the impact of the construction works, focusing on the research potential of the remains. The Heritage Memorandum sets out the Secretary of State's commitment to the Historic Environment.

### Undertakings

4.8. Two undertakings have been given by the Promoter in relation to Schedule 20, one to the Commonwealth War Graves Commission (CWGC) and the other to the Archbishops' Council of the Church of England.

4.9. The Promoter will undertake a programme of engagement, notification and consultation with the Archbishops' Council of the Church on the preparation of location specific written scheme of investigations for the burial grounds at St James's Gardens, St Mary's and Park Street. The Promoter will secure that articulated remains will, where reasonably practicable, be removed from the Burial Ground in which they are buried by hand digging.

The Promoter will undertake a programme of engagement, notification and consultation with the Archbishops' Council in relation to consecrated land and the Commonwealth War Graves Commission in relation to burials made after the 28 July 1914 and for which the CWGC is responsible.

## **5. Health and Safety**

- 5.1. The removal of human remains requires respect and care by those involved in the archaeological investigation and specialist exhumation works.
- 5.2. The risks to the health, safety and wellbeing of all staff and the public will be assessed and appropriate controls used. The nominated undertaker will work with the relevant agencies to develop an appropriate and robust control system in relation to the potential for contamination and occupational health.

## **6. More information**

- 6.1. More detail on the Bill and related documents can be found at: [www.gov.uk/HS2](http://www.gov.uk/HS2)