

## HIGH SPEED TWO PHASE 2a INFORMATION PAPER

### E25: 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 for the Proposed Scheme.

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 High Speed Rail (West Midlands-Crewe) Bill which is now enacted. It was finalised at Royal Assent and no further changes will be made.

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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# E25: 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 phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond. The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017.
- 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 July 2017, the Government introduced a hybrid Bill<sup>1</sup> to Parliament to seek powers for the construction and operation of Phase 2a of HS2 (the Proposed Scheme). The Proposed Scheme is a railway starting at Fradley at its southern end. At the northern end it connects with the West Coast Main Line (WCML) south of Crewe to allow HS2 services to join the WCML and call at Crewe Station. North of this junction with the WCML, the Proposed Scheme continues to a tunnel portal south of Crewe.
- 1.4. The work to produce the Bill includes an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs)<sup>2</sup>, which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.5. The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. The nominated undertaker will be bound by the obligations contained in the Bill and the policies established in the EMRs. There may be more than one nominated undertaker.
- 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 Proposed Scheme have been reached.

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

<sup>2</sup> For more information on the EMRs, please see Information Paper E1: Control of Environmental Impacts.

## 2. Overview

- 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 remains and associated funerary monuments (e.g. gravestones) that could result from the construction of the Proposed Scheme.

## 3. Burial Grounds, Human Remains and Monuments

- 3.1. Any human remains affected by the Proposed Scheme will be treated with all due dignity, respect and care. Any impact caused by works to construct the Proposed Scheme 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.
- 3.2. Construction of the Proposed Scheme will require a range of activities which will involve ground excavation. No works will have a direct physical impact on any known burial grounds, but the works have the potential to reveal and remove human remains associated with archaeological investigations<sup>3</sup>.
- 3.3. In the event that the nominated undertaker encounters a burial ground in the construction of the Proposed Scheme, every attempt will be made to limit the impact on the site during this phase.
- 3.4. HS2 Ltd and the Promoter will continue their engagement with relevant organisations (for example Historic England, Archbishops' Council in relation to any consecrated land and the Commonwealth War Graves Commission (CWGC) in relation to burial made after 28 July 1914 and for which the CWGC is responsible) and individuals regarding the impact of the Proposed Scheme on burial grounds, human remains and associated monuments.

## 4. Legislative provisions

- 4.1. Schedule 20 to the Bill, 'Burial Grounds', provides a regime for the removal of human remains and related funerary monuments. The Schedule dis-applies 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.
- 4.2. Schedule 20 includes the requirement 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 monuments to the deceased. 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/or monument themselves. No such notice is required in cases where the

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<sup>3</sup> See Information Paper E24: Archaeology

Secretary of State is satisfied that remains were buried more than 100 years ago and that no relative or representative is likely to object.

- 4.3. Where burial has occurred over 100 years ago, consideration will be given to the extent of archaeological investigation and recording works. 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 the Commonwealth War Graves Commission. The Heritage Memorandum and draft Code of Construction Practice (CoCP) set out the framework and management of archaeological and heritage investigations on the Proposed Scheme (see 'Framework for the Control of Impacts', below).
- 4.4. Records of the human remains removed under Schedule 20 are required to be kept by the nominated undertaker and provided to the Registrar General<sup>4</sup>. Records of monuments removed under the Schedule 20 must be provided to the relevant local authority and the Registrar General.
- 4.5. The nominated undertaker has developed a 'Burial Grounds, Human Remains and Monuments Procedure' to implement the legal requirements of the Bill.

## 5. Framework for the Control of Impacts

- 5.1. The EMRs<sup>5</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 CoCP - are especially relevant to the archaeological works, where they include burial grounds, human remains and monuments that will be required as part of the works to construct the Proposed Scheme.
- 5.2. The draft Heritage Memorandum 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 the Proposed Scheme is carried out with proper regard for the historic environment.
- 5.3. The draft CoCP (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.

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<sup>4</sup> The Head of the General Register Office for England and Wales, which maintains the national archive of all births, marriages and deaths.

<sup>5</sup> <https://www.gov.uk/government/publications/environmental-minimum-requirements-for-hs2-phase-2a>

## **Investigation**

- 5.4. Human remains encountered along the route of the Proposed Scheme may comprise a variety of burials, deposits, monuments and associated artefacts. These may be identified during the course of on-going archaeological research and investigation, such as prehistoric or Roman remains.
- 5.5. 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 Promoter's commitment to the Historic Environment.

## **6. Health and Safety**

- 6.1. The removal of human remains requires respect and care by those involved in the archaeological investigation and specialist exhumation works.
- 6.2. 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.

## **7. More information**

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