Historic England

Commemorative and Funerary

Scheduling Selection Guide

Summary

Historic England's scheduling selection guides help to define which archaeological sites are likely to meet the relevant tests for national designation and be included on the National Heritage List for England. For archaeological sites and monuments, they are divided into categories ranging from Agriculture to Utilities and complement the listing selection guides for buildings. Scheduling is applied only to sites of national importance, and even then only if it is the best means of protection. Only deliberately created structures, features and remains can be scheduled. The scheduling selection guides are supplemented by the Introductions to Heritage Assets which provide more detailed considerations of specific archaeological sites and monuments.

This selection guide offers an overview of the sorts of archaeological monument or site associated with commemorative and funerary rites and activities which are likely to be deemed to have national importance, and for which of those scheduling may be appropriate. It aims to set these sites within their historical context and to give an introduction to some of the specific legal constraints in dealing with human remains, as well as to more specific designation considerations.

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Front cover
Scheduled barrow group at Broadmayne (Dorset).

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Introduction

This selection guide offers an overview of the sorts of archaeological monument or site associated with commemorative and funerary rites and activities which are likely to be deemed to have national importance, and for which of those scheduling may be appropriate. It aims to set these sites within their historical context and to give an introduction to some of the specific legal constraints in dealing with human remains, as well as to more specific designation considerations. There is inevitably some overlap with listing, which is covered in a parallel (but separate) Commemorative Structures selection guide.

Where possible, an overview of understanding is given, and a steer provided to existing policy. It does not cover all categories of asset within this topic: scheduling is concerned with the protection of sites, so important objects removed to museums and elsewhere are not covered. Nor are places of worship in active use eligible to be scheduled. This guide thus covers the types of structures which can, and have been, accorded protection through scheduling; and it also sets out our current more integrated approach to the assessment of this sort of site.

The treatment, burial and commemoration of the dead have been a distinctive part of human life for millennia, and these activities have often left physical remains (prehistoric barrows, for instance) which we see today. The remains of the dead have been dealt with in remarkably varied ways in the past and it appears that, in the prehistoric period especially, only a small proportion of the population received a burial which has left traces detectable using current methods.

Funerary sites include discrete, individual burials as well as larger burial groups. They range in form from simple, unelaborated inhumations or cremations to more distinctive burial monuments such as the long barrows and round barrows familiar, for example, in the Wessex landscape. For some periods, they are one of the main sources of information about life in those epochs, and thus constitute key repositories of evidence.

Burial monuments figured prominently in the first Ancient Monuments Act in 1882 (since replaced by the 1979 Ancient Monuments and Archaeological Areas Act), and among well-known sites listed on the original Schedule were the West Kennet Long Barrow near Avebury, Wiltshire; Hetty Pegler's Tump (a chambered long barrow) in Gloucestershire; and Kit's Coty House (the remains of a Neolithic chambered tomb) near Aylesford in Kent.

There is wide chronological and regional variety in burial practice and monument form which, to ensure the Schedule is representative, should be captured in the selection of sites for designation. Given their relative rarity and significance for the preservation of archaeological information providing insight into past societies, their structures and beliefs, most pre-Conquest (that is, pre-AD 1066) commemorative and funerary monuments which survive well should be designated. Scheduling will generally be the preferred designation option, as it enables full consideration to be given to the archaeological potential of a site.

From the medieval period onwards, the establishment of numerous, more formalised churchyards and burial grounds, many of which remain open for burial, means that designation through scheduling is generally not appropriate. Here, designation through listing has a role to play in identifying individual tombs of significance. These burial places do possess archaeological potential, in terms of information which could be derived about the physical remains of their buried populations, but scheduling will not be suitable or warranted for such sites, other than in a very few exceptional cases (see below, Specific Considerations).

As noted, this selection guide should be read in parallel with the Commemorative Structures selection guide, which deals with the listing of funerary and public monuments. The setting of cemeteries and burial grounds of post-Reformation date is treated in the designed landscape selection guide on Landscapes of Remembrance.

1 Historical Summary

1.1 Prehistoric

Until the Neolithic period, around 6,000 years ago, funerary sites are rare, and commemorative monuments unknown. When human remains are found (as with Gough's Cave, Somerset) it is generally in the course of examining a cave or other occupation deposits, and in these circumstances designation assessment will use the appropriate criteria, those for occupation sites set out in the scheduling selection guide dealing with Settlement Sites.

After 4000 BC a range of burial monuments appears, the most familiar of which are barrows of various types (see Prehistoric Barrows and Burial Mounds IHA).

There are two main periods of barrow building and use, in the Early Neolithic and Early Bronze Age. In other periods of prehistory funerary sites are more varied and can be scarce, for instance, the Late Neolithic, for which the cremation cemetery at Stonehenge is exceptional. Another exceptional funerary monument of this period is Duggleby Howe (East Riding of Yorkshire), which nineteenth-century investigation suggests had a complex history (Fig 1).

Long barrows and chambered tombs

These are the main forms of Neolithic funerary monument, with human remains deposited in chambers or mortuary structures. They were constructed from before 5,800 years ago (3800 BC) and new monuments were established throughout the 4th millennium BC. However, where they have been precisely dated their primary use for burial rarely lasted longer than about 100 years. Generally comprising long, linear earthen mounds or stone cairns, often flanked by ditches, they can be distinctive features in the landscape. They measure up to about 100m in length, 35m in width and 4m in height, sometimes taking a trapezoidal or oval shape.

Earthen long barrows are found mostly in southern and eastern England and are usually unchambered but sometimes contain timber mortuary structures (such as Haddenham, Cambridgeshire). Megalithic chambered tombs (see Megalithic Chamber Tombs IHA) are most common in Scotland and Wales, but are also found in those parts of England with ready access to the large stones and boulders from which they are constructed, especially the Cotswolds (such as Belas Knap, Gloucestershire), the south-west (such as Corringdon Ball, Devon) and Kent (such as Coldrum); in many cases the stone chambers are today devoid of their covering mounds. The distinction between earthen and megalithic or chambered and unchambered monuments is blurred, however; for instance at Wayland's Smithy (Oxfordshire) a tomb with stone chambers succeeded an earlier non-megalithic structure.

Variations on the earthen form have been identified and referred to by archaeologists as bank barrows (with extremely elongated mounds), oval barrows (apparently a later development, continuing into the 3rd millennium), and long mounds (lacking funerary evidence); so-called 'long mortuary enclosures' are elongated ditched enclosures without evidence for a mound, but sometimes associated with human remains. Regional variations on the megalithic form in western Britain include portal dolmens and passage graves.

Round barrows

These are the most numerous of the various prehistoric funerary monuments (see Prehistoric Barrows and Burial Mounds IHA). The main

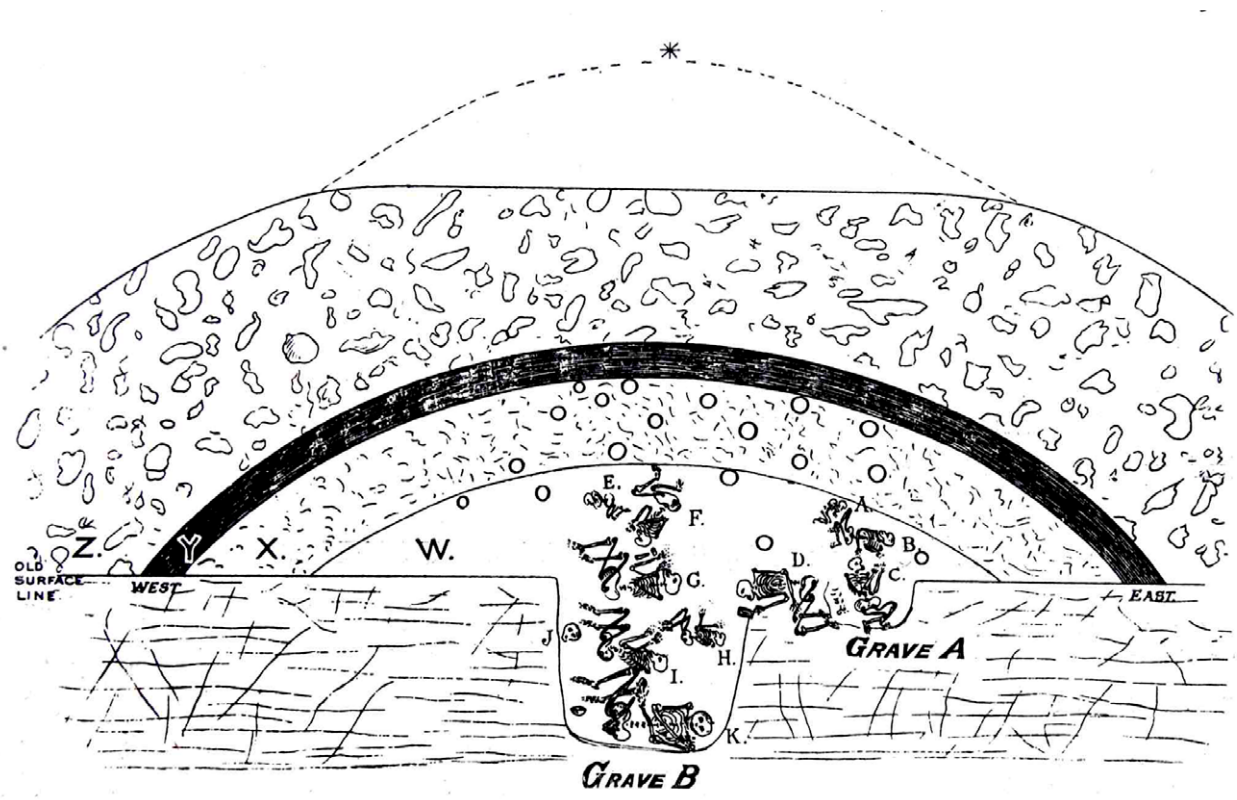

Figure 1
Duggleby Howe, East Riding of Yorkshire. A major late Neolithic burial mound. Despite various openings in the past, including that recorded here by J R Mortimer for Sir Tatton Sykes in 1890, the monument retains enormous archaeological potential, and understanding of it continues to grow through modern investigative techniques.

period of round barrow construction occurred in the Early Bronze Age between about 2200-1500 BC (a period when cremation succeeded inhumation as the primary burial rite), although Neolithic examples are known from as early as 3000 BC. In general round barrows comprise a rounded earthen mound or stone cairn, the earthen examples usually having a surrounding ditch and occasionally an outer bank.

They range greatly in size from just 5m in diameter to as much as 40m, with the mounds ranging from slight rises to as much as 4m in height. Round barrows have been extensively studied from the seventeenth century onwards and a detailed classification system has been developed, though it is more applicable to some regions than others. Variations of the type include simple bowl barrows and more elaborate 'fancy barrows', which are subdivided into bell barrows, saucer barrows, pond barrows, and disc barrows. Many round barrows went through a series of phases before reaching their final form, while others were the focus for secondary burials (in the mound, in any surrounding ditch, or in the immediate vicinity as 'satellite burials') after their principal period of use. This complexity adds to their interest.

A number of more localised types of Bronze Age funerary monuments are also known: for example, the chambered entrance graves of Cornwall and the Isles of Scilly; the ring cairns of the Pennines, Peak District and the south-west; and tor cairns, found primarily in Devon and Cornwall. While in their particular localities these can be found in some numbers, nationally they are rare, and represent regional variations on more widespread burial traditions in the Bronze Age.

Square barrows

During the Late Bronze Age and Iron Age (from about 1200 BC to the arrival of the Romans in Britain in the first century AD) it seems that most of the dead were disposed of in simple graves or in ways which left no permanent trace (such as being cast into rivers, since human skulls and votive metalwork like the Battersea Shield have been recovered from the Thames and other major rivers). However, the Iron Age did see a resurgence of interest in barrow construction, although it never reached the levels of earlier periods.

Square barrows, an unusual variation on the barrow burial tradition, date largely to the period from 500 to 50 BC. The majority of these are found in the area between the River Humber and the southern slopes of the North Yorkshire Moors (Fig 2), although a few are known in Wessex, and aerial photography has identified new sites in the river valleys of the Midlands and East Anglia. While single barrows standing alone are known, most occur in groups. The main burial is generally in a pit beneath the centre of the mound and is accompanied by grave-goods which range from everyday objects (both domestic and military) to rarer and more exotic items such as the 'chariots' or wagons found in Yorkshire burials as at Garton Slack, Wetwang, and Kirkburn.

Figure 2
East Lutton, East Riding of Yorkshire. One of a number of Iron Age square barrow cemeteries revealed on the Yorkshire Wolds as cropmarks. The rectilinear enclosures are perhaps mortuary enclosures, defining private or sacred spaces. With common site-types, discrimination is required to identify the best examples for scheduling.

Cemeteries

In almost all periods of prehistory isolated burials are found in settlement contexts or at monuments that are not primarily funerary in character. On occasion, however, burials – sometimes spanning a long interval of time – were grouped together to form cemeteries or funerary landscapes (see Pre-Christian Cemeteries IHA). In some areas, notably around Stonehenge, round barrow cemeteries developed as new monuments were constructed adjacent to, or on, older ones. In other places, a series of burials was interred in a single mound.

In the later Bronze Age, small cremation cemeteries are found, sometimes focused on earlier barrows or within their own enclosures. In general there is a trend from urned to unurned cremations over time, before an inhumation rite reappears in the Iron Age. Inhumation cemeteries are rather rare in prehistory but occasionally occur at the end of the Neolithic (Beaker phase) and in the Iron Age. In the areas of southern England that come under Gallo-Roman influence in the Late Iron Age, cremation cemeteries – occasionally of some size – reappear.

1.2 Roman

Cemeteries

The Roman period saw the formalisation of burial grounds in what can more confidently be called cemeteries (see Pre-Christian Cemeteries IHA); the word itself is taken from the Latin *coemeterium*, derived from the Greek word for dormitory. In the earlier part of the period these were predominantly cremation cemeteries for the reception of ashes, in part reflecting a continuation of existing funerary practice; from the later second century AD cremation was gradually superseded by inhumation particularly in the more southern parts of the country.

Extensive urban cemeteries have been identified, invariably located alongside the main approach roads into the town or city, and outside walls, hence the term 'extra-mural' (Fig 3). Cemeteries can also be found around smaller military communities and settlements and may have incorporated barrows and mausolea. Although their general locations are often known, their position and extent is often poorly defined without archaeological investigation, and is typically compromised by later development. Where they have been excavated, they can suggest social structure through their layout (with family or guild plots), and provide evidence for funerary rites (including feasting) with a wide variety of grave-goods, occasionally including dedicatory plaques and talismans.

Barrows

A small number of upstanding earthen round barrows are known from the Roman period, such as the Moulton Hills, three substantial barrows in Bourn (Cambridgeshire). In general, they are similar in form to their prehistoric predecessors although typically more conical in shape with a higher, more monumental mound. However, on the whole Roman barrows – which occur mainly in the east of England, although even there they are rare – are largely known from excavation. Associated finds allow Roman examples to be distinguished from the far more numerous barrows of prehistoric date.

Tombstones and sarcophagi

Commemorative or dedicatory grave markers were common during the Roman period. Sometimes combining epitaphs and sculpted reliefs, these memorials to named individuals were located in cemeteries on the outskirts of settlements and were testaments to status, memory and endowments. Their interest is primarily artistic and historic. Very few (if any) remain *in situ*, the majority having been collected and brought into museums and private collections for internal display from the early seventeenth century onwards. While some *in situ* examples are included within the scheduling for other larger sites, they have not been individually designated in this way. The same holds true of sarcophagi.

Mausolea

More commonly found on the Continent, there are a small number of mausolea known in England, principally in the south-east. Defined as buildings erected to house the dead, they

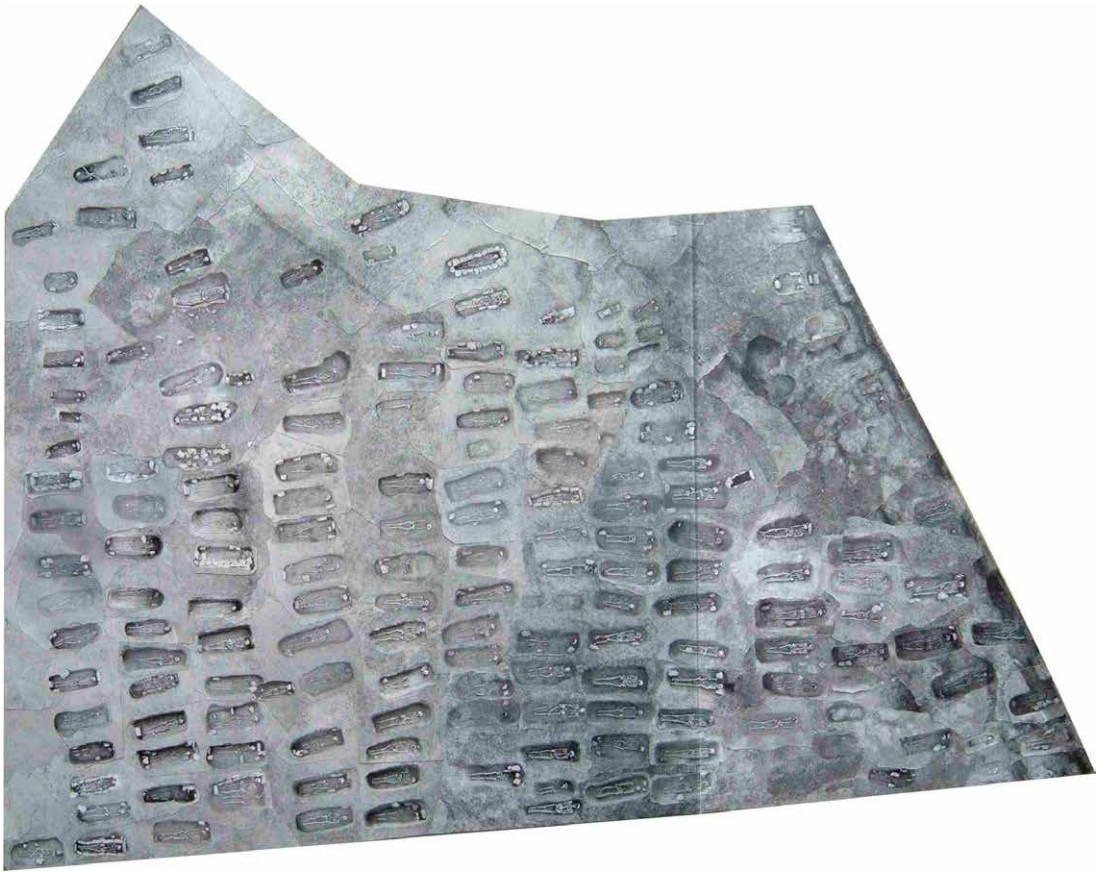

Figure 3
Ashton, near Oundle, Northamptonshire. A fourth-century Roman cemetery, originally with some two hundred interments, excavated 1982-4 in advance of roadworks. Grave-goods were almost entirely absent, but were included with individual interments made within properties in the small Roman town alongside.

generally consisted of above-ground structures (of brick and tile, stone, or wood) and contained or marked high-status single or multiple burials. The late Roman example at Lullingstone Villa, near Eynsford, Kent (later adapted for use as a church in the Saxon period), is one such.

1.3 Anglo-Saxon and Viking

Cemeteries

During the fifth to seventh centuries Germanic influence is seen in specific burial practices: clothed cremation with the cremated remains buried in distinctive vessels with grave-goods, and clothed inhumation with grave-goods. Perhaps the most important and distinctive aspects of these practices is the sex/gender distinctions and other aspects of social identity signalled (even if interpretations remain disputed) in the provision of grave-goods (see Pre-Christian Cemeteries IHA).

Most cemeteries have both inhumation and cremation represented, although one or the other may be in a majority. Even the large early Anglo-Saxon urnfields such as Spong Hill (Norfolk) have inhumations, and this appears to be a chronological development: cremation is the earlier rite (from about AD 420), with furnished inhumation coming in about AD 450-475, and then both being practiced together. Cremation appears to become uncommon during the mid- to late sixth century, and thereafter continues until the earlier seventh century as a minority elite rite. Formal furnished inhumation appears to be abandoned by the end of the seventh century.

In terms of distributions, cremation was more commonly practiced, and greater numbers of

Figure 4
Many barrows were dug into in the past, whether to seek treasure (with Crown authorisation, as granted by Henry III in 1237 for searches in Cornish barrows) or, later, in a spirit of enquiry. How much this will have reduced a monument's archaeological potential varies. Even with large-scale digging, as here at Taplow (Buckinghamshire) in 1883 when a princely seventh-century Anglo-Saxon burial was investigated, much may remain untouched, and open to future examination. The Taplow barrow remains are scheduled, along with the site of a later church and burial ground.

cremations are known, in eastern England north of the Thames: some of the largest urnfields are in Lincolnshire and East Yorkshire. Inhumation is found across the 'Anglo-Saxon' areas in the later fifth to late seventh centuries and is far from unknown in eastern England: one of the largest excavated and published inhumation cemeteries is at Morning Thorpe, in Norfolk.

Rather different practices and narratives are evidenced in northern and western England, on the periphery of, or beyond, Anglo-Saxon influence. Less work has been done on the burial archaeology of these areas, and what was clearly a wide variety of practices and rites in the post-Roman centuries remains to be explored and explained. In west and especially south-west England (for instance, Cannington, Somerset) unfurnished inhumation remained the norm from the late Roman period into the seventh century; in parts of northern England, as evidenced at Bamburgh (Northumberland) stone-lined 'long cist' burials are characteristic.

A relatively small number of graves, mostly in the south-east of England, particularly in the Kent and Sussex Downs, are marked with oval or round barrows (or *hlaews* as they were called); exceptionally these are found in groups of between five and 300, often with additional burials between them. Notably large barrows (for instance, Sutton Hoo, Suffolk, and Taplow, in Buckinghamshire; Fig 4), seem to mark royal or aristocratic burials, often of relatively late date.

One shared feature is their visibility to travellers by road or river, presumably to legitimise claims of land ownership. In all cases burial grounds seem to have lain separately from settlements.

By the early eighth century the rites of cremation and well-furnished inhumation had ceased. Beginning about AD 650 select patrons were taken for burial at the new minster churches, while lower-status rural-dwellers were interred in new inhumation cemeteries, typically located away from the old, pagan, burial sites.

These new cemeteries were spatially better organised than their predecessors with burials orientated east-west in orderly rows, and with a far more restricted range of grave-goods. In fact in such cemeteries, termed 'Final Phase', 'Conversion Period' or 'Field' cemeteries, up to three-quarters of the graves tend to be entirely unfurnished, and the conclusion seems inescapable that this fading-out of the old rites represents part of the transition to Christian society.

Such field cemeteries seem generally to have been superseded by the graveyards associated with the parish churches which were set up across England between the ninth and twelfth centuries.

Scandinavian burial

In England, just a few dozen burials and cremations of ninth- and tenth-century date (the latter mostly in the north-west) are attributed to Vikings, mostly as single examples. Wholly exceptional is the barrow cemetery in Heath Wood, Ingleby, Derbyshire, where 59 barrow mounds mark the remains of men cremated with weapons and clothing; the excavator believes that they were part of the Viking Great Army of 873-878 which was garrisoned nearby at Repton.

Another cultural indicator of Scandinavian occupation are the tenth-century so-called hogback tombstones, many of which represent a shrine-like, bow-sided, building. About 115 are known, concentrated in the Viking-settled lands of Yorkshire, Lancashire and Cumbria (there are five, for instance, at Brompton, North Yorkshire). Today most are found associated with churches or churchyards, and are assumed either to cover graves or to be commemorative markers (Fig 5).

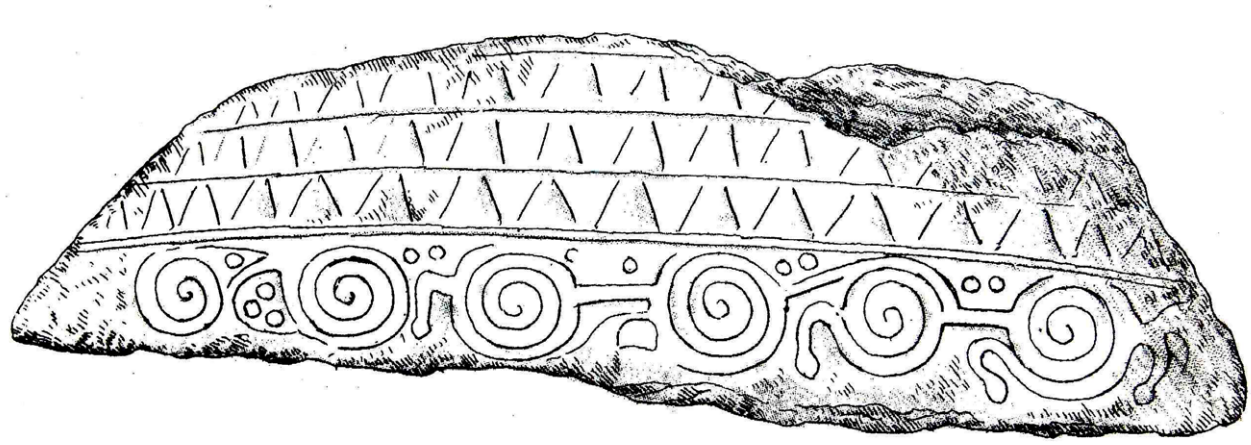

Figure 5
Hogback gravestone from Repton, Derbyshire – where the Viking Great Army overwintered in 873-4 - illustrated in volume 5 of D and S Lysons' Magna Britannia (1817). Discovered near the church in 1801, it was moved at least twice before being broken up in 1854 to be re-used as a doorstep. Deep, stratified, archaeology lies under and around the church.

Execution cemeteries

Judicial execution in Anglo-Saxon England is evidenced by cemeteries where those executed by hanging, decapitation or otherwise were buried separately from the general population. In 2011, about thirty such cemeteries were known in England, all but two south and east of a line drawn from The Wash to Dorset. With just a few exceptions, these cemeteries lie on or adjacent to the boundaries of counties, hundreds or boroughs, and many close to major routes of communication, whether road or river. Visibility and superstition are conventional explanations for cemeteries' (and by implication places of executions') locations in the landscape. Their location on boundaries suggests the possibility two or more communities may have shared them.

As most burials are without grave-goods, dating these cemeteries has been problematic, but radiocarbon determinations now show that while there are occasional late Roman examples (Chesterton Lane, Cambridge), the general trend suggests that execution cemeteries were established in the second half of the seventh to the early eighth century, with some continuing in use until the twelfth century. Some cemeteries contain just a few burials, but others many: Guildown (Surrey) had 183 burials, and South Acre (Norfolk) 136. Reynolds reckons the average is 50, which over a 500-year span indicates one execution every ten years, or 20 if two hundreds, say, shared an execution ground: execution was apparently exceptional, rather than commonplace. Occasionally post-holes (notably as pairs, or sets of four) have been identified at such cemeteries, interpreted as gallows supports.

Early Christian memorial stones, and high crosses

A few memorial stones from the period 400-1100 AD are known from England. These are erect, free-standing shaped stones bearing incised inscriptions, generally in Latin, although some with Ogham inscriptions (an early form of alphabet, akin to runes) are known. These commemorate individuals and often state a family relationship; additional decorations such as a cross within a circle occur. They are largely located in areas which retained Celtic traditions during the period, notably Ireland, with the greatest number in mainland Britain surviving in Pembrokeshire, in Wales. In England they are almost entirely confined to the south-west with a particular concentration in Cornwall; scheduled early Christian stones can be found, for instance, in the churchyard of St Sampson's Church, South Hill, and St Clement's Churchyard, Carrick (both in Cornwall).

The function of so-called high crosses, such as the two, tall, ninth-century scheduled examples at Sandbach (Cheshire), is often unclear. Some are certainly associated with monasteries, or mark preaching places. Others may be commemorative, or be boundary markers, or visible expressions of power.

In summary, it can be seen that throughout the fifth to eleventh centuries the places, styles and rites of burial varied widely, both chronologically and geographically.

1.4 Medieval

After the Conquest almost all burial in England was in the consecrated ground of parish churches and cathedrals (and churches and chapels which acquired burial rights), monastic houses, and some charitable institutions like hospitals and leper houses. Fewer burial sites from this period are scheduled than from earlier epochs, although quite a high proportion of designated monastic (and hospital and leper house) sites include contemporary cemeteries. Most village churchyards either remain in use for burial, or did so until fairly recently.

A number of individual former medieval churchyards have been scheduled as part of larger areas, often including the sites of their associated ruined churches such as at Wharram Percy deserted medieval settlement (North Yorkshire), and St Mary Magdalene's church, Flaunden (Buckinghamshire). Some medieval charnel houses, erected for the storage of human bones after their disinterment from graveyards, have

Figure 6
The East Smithfield, London, Black Death cemetery of 1348-50 under excavation in advance of development in the late 1980s. Many of the 759 burials encountered were in individual graves, others had been placed in trenches. All, though, were orderly internments – no bodies were cast into communal pits. That the authorities were apparently able to manage the consequences of mass mortality was one of many fascinating conclusions resulting from this excavation.

also been scheduled such as the example at Bury St Edmund's Abbey, included within the overall scheduling for the site, and that at Spitalfields, on the edge of the City of London.

In the 1170s, the first specifically Jewish cemeteries were licensed. London's cemetery was destroyed by redevelopment in the 1960s, and York's excavated and published in the 1990s. That of Winchester has been partially excavated. In 1290, the use of Jewish cemeteries ended abruptly with the expulsion of English Jews.

In 1208 the papal Interdict provoked by King John placed the entire country under excommunication for six years, theoretically stopping burial in consecrated ground until 1215. At least two special cemeteries are known to have been founded by civic authorities in response (one at St Bartholomew's Hospital, London, and one at Basingstoke, Hampshire) and others probably exist.

Famine in the mid-thirteenth century may have given rise to at least one major famine cemetery in London (St Mary Spital; Fig 6), and possibly others. The Black Death of 1348 and later outbreaks saw emergency cemeteries founded in principal population centres – an example is known from Newark-on-Trent (Nottinghamshire) – either as extensions of existing cemeteries or as brand new entities. Mass graves from medieval battles have rarely been located, and only a relatively small one at Towton (North Yorkshire) has been excavated to modern standards.

The fifteenth century saw an increase in the use of cathedral and parish cemeteries at the expense of those at religious houses. In particular a number of chapels-of-ease in rural locations were granted burial rights for the first time. The main change in the sixteenth century was the Reformation, and with it the closure of cemeteries associated with religious houses.

Figure 7
The Eleanor Cross at Geddington, Northamptonshire. The funeral cortege of Eleanor, Edward I's Queen, who died in 1290, stopped overnight twelve times between Lincoln and Westminster. At Geddington the party was accommodated at a royal hunting lodge. The resting places were afterwards marked by elaborate memorial crosses, early examples of the Decorated style of architecture.

Outdoor churchyard memorials from the medieval period are so far little-understood, many of the few which were erected having sunk out of sight or been removed. Those few identifiable medieval outdoor monuments which do survive, or else were taken outside from within the church (for instance, the thirteenth-century Venables monument at Astbury, Cheshire), have been protected through listing.

In terms of outdoor commemorative monuments, the best known are the Eleanor Crosses, erected after the death of Edward I's wife Eleanor of Castile in 1290: of the twelve originals, only three survive (and only two are substantially medieval; Fig 7). There are also some battlefield memorials, such as Audley's Monument which marks where the Lancastrian Lord Audley was killed during the Battle of Blore Heath (Staffordshire) in 1459 (although the present scheduled memorial is a replacement of 1759).

1.5 Post-Medieval

Following the adoption of Anglican liturgy, burial practice does not appear to have changed dramatically. Cemeteries continued to be used in much the same way as previously, though enrichment of coffins through design and by application of *depositum* plates and other adornment is apparent and an increasing number of tombstones survive from the seventeenth century. Rapid population growth saw the first overspill cemeteries unattached to parish churches being set up, and with the major outbreaks further plague cemeteries were established.

Mass graves on Civil War and later battlefields are mentioned in antiquarian accounts, but none are securely located today, or have seen modern excavation. Shafts and vaults, containing numerous individual burials and built both within churches and in cemeteries, became more common. From the mid-seventeenth century onwards, Anglicans began to have reservations about burial inside churches.

Figure 8
Bunhill Fields, Islington, London. A major Nonconformist burial ground established north of the City of London in the 1660s, perhaps on the site of an earlier burial ground: the name may be a corruption of 'bone-hill'. Approximately 123,000 individuals lie here. The cemetery is now closed for burial, and is a valued green space; many memorials are listed and the space itself is on the Register of Parks and Gardens of Special Historic Interest.

Nonconformists and Jews began to open burial grounds for their reserved use in London from the 1650s onwards (Fig 8). The monuments in such places are among the earliest surviving testaments to developments in religion and to patterns of migration, and hence are of particular significance. Archaeological analysis of post-Reformation burial grounds is expanding our understanding of the early modern way of death.

Although more recent sites of burial and remembrance frequently possess considerable archaeological potential (in particular, through the constantly developing study of human remains, and the growing appreciation of the importance of burial rituals), scheduling has only exceptionally been deployed as a designation response.

2 Overarching Legal Considerations

Because of the particular sensitivity of burial sites, various legal controls are in place which affect works to these places. This section sets out some of the more relevant, and thereby demonstrates that sites of burial receive protection in other ways beside those of heritage designations.

a) Land that was once used as a burial ground but which has passed into other use (for example everything from a Bronze Age barrow cemetery which is now pasture or arable to a medieval or even post-medieval burial ground which has later been built over) is essentially governed by the Burial Act 1857; an archaeologist who wants to excavate burials and study the bones needs a 'Section 25' licence from the Ministry of Justice to be able to do so.

(b) Land that is a disused burial ground which has not passed into other use may be governed by the Disused Burial Grounds (Amendment) Act 1981, or, if acquired by compulsory purchase, by the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950. The Regulations provide that where land consists wholly or partly of a burial ground, the land cannot be used until remains have been removed and reinterred in accordance with the prescribed procedure. This requires the serving of notices to personal representatives of the deceased and the denominational authority as well as publication of notices in a local newspaper. Personal representatives may then, on giving notice, remove the remains and monuments of family members at the expense of the landowner following which the landowner may carry out the removal and re-interment of the remains. The Regulations also provide detailed provisions relating to the moving of memorials, the manner of their removal, certification and record keeping. Again application needs to be made to the Ministry of Justice for 'Directions'.

(c) Where – as in the case of Crossrail (a project to improve rail services across London) – a specific Act applies, this may have other consequences – though what is required usually follows (b).

(d) Notwithstanding all this, people need to be particularly cautious when dealing with burial grounds that may have burials less than 100 years old. In these cases it seems likely that the Human Tissue Act 2004 would apply; if so, consent of relatives would be required for any disturbance, study and so forth.

2.1 The Burial Act 1857

Where not otherwise covered in later legislation, exhumation is covered by the Burial Act 1857. This Act makes the removal of buried human remains an offence unless a licence has been granted by the Government (now exercised by the Ministry of Justice), except where remains are to be exhumed from land consecrated according to the rites of the Church of England (Fig 9). For removal of human remains from consecrated ground, permission takes the form of a faculty from the diocesan consistory court. Where

Figure 9
St Julian's church, Maker, Cornwall. A typical parish churchyard will contain the mortal remains of thousands of parishioners, laid to rest there over a thousand years or more. Legal and ethical considerations mean that these sacred places are managed in ways other than by scheduling.

licences are granted, they are normally subject to conditions. These may take the form of health and safety measures, preservation of public decency (screening the removal from public view) or action in the public interest (such as scientific study).

2.2 The Disused Burial Grounds Act 1884

The 1884 Act was intended to ensure that no building work should take place on a disused burial ground except for the purpose of enlarging a church. Disused burial grounds in this context are those which have at any time been set apart for the purposes of burial and are no longer used for that purpose, whether or not the ground has been formally closed for burial.

2.3 Disused Burial Grounds (Amendment) Act 1981

The 1981 Act provides that notices must be displayed on the land and in local newspapers giving notice of proposals to erect a building. Where burials have taken place within the previous 50 years, any objections from relatives or representatives of the deceased will mean that the development may not lawfully proceed. Where development can proceed, the Act provides for the removal and re-interment of burials which will be disturbed by the development. This must occur before construction begins. The law does not extend to Church of England churchyards.

In a case where none of the Acts apply common law still provides that any human remains need to be treated with dignity. There is a general presumption in favour of re-internment where possible unless there is permission to the contrary.

2.4 The Protection of Military Remains Act 1986

The Act, administered by the Ministry of Defence, applies both to the remains of service personnel and also to the vessels and aircraft in which they were lost. It secures them from unauthorised interference and is thus an important means of protection. Remains fall under two headings: protected places and controlled sites. Wrecks are designated by name and can be designated as *protected places* even if the location of the site is not known. Thus, the wreckage of a UK military aircraft is automatically a protected place even if the physical remains have not been previously discovered or identified.

Shipwrecks need to be specifically designated, and designation as a protected place applies only to vessels that sank after 4 August 1914. The Act makes it an offence to interfere with a protected place, to disturb the site or to remove anything from the site. Divers may visit the site but the rule is look, don't touch and don't penetrate. *Controlled sites* containing the remains of an aircraft or a vessel that crashed, sank or was stranded within the last two hundred years must be specifically designated by location. The Act makes it illegal to conduct any operations (including any diving or excavation) within the controlled site that might disturb the remains unless licensed to do so by the Ministry of Defence.

For those sites covered by the Military Remains Act, to avoid superfluous protection, Historic England's view is that statutory heritage designation will seldom be appropriate.

3 Overarching Designation Considerations

3.1 Scheduling and protection

Archaeological sites and monuments vary greatly in character, and can be protected in many ways: through positive management by owners, through policy, and through designation. In terms of our designation system, this consists of several separate approaches which operate alongside each other, and our aim is to recommend the most appropriate sort of protection for each asset. Our approach towards designation will vary, depending on the asset in question: our selection guides aim to indicate our broad approaches, but are subordinate to Department for Digital, Culture, Media and Sport (DCMS) policy.

Scheduling, through triggering careful control and the involvement of Historic England, ensures that the long-term interests of a site are placed first. It is warranted for sites with real claims to national importance which are the most significant remains in terms of their key place in telling our national story, and the need for close management of their archaeological potential. Scheduled monuments possess a high order of significance: they derive this from their archaeological and historic interest. Our selection guides aim to indicate some of the grounds of importance which may be relevant. Unlike listed buildings, scheduled sites are not generally suited to adaptive re-use.

Scheduling is discretionary: the Secretary of State has a choice as to whether to add a site to the Schedule or not. Scheduling is deliberately selective: given the ever-increasing numbers of archaeological remains which continue to be identified and interpreted, this is unavoidable. The Schedule aims to capture a representative sample of nationally important sites, rather than be an inclusive compendium of all such assets.

Given that archaeological sensitivity is all around us, it is important that all means of protecting archaeological remains are recognised. Other designations such as listing can play an important part here. Other sites may be identified as being of national importance, but not scheduled. Government policy affords them protection through the planning system, and local authorities play a key part in managing them through their archaeological services and Historic Environment Records (HERs).

The Schedule has evolved since it began in 1882, and some entries fall far short of modern standards. We are striving to upgrade these older records as part of our programme of upgrading the National Heritage List for England. Historic England continues to revise and upgrade these entries, which can be consulted on the Historic England Website.

3.2 Heritage assets and national importance

Paragraph 194 and footnote 63 of the National Planning Policy Framework (July 2018) states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and for assets of the highest significance should be wholly exceptional; 'non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. These assets are defined as having National Importance (NI). This is the latest articulation of a principle first raised in PPG16 (1990-2010) and later in PPS5 (2010-2012).

3.3 Selection criteria

The particular considerations used by the Secretary of State when determining whether sites of all types are suitable for statutory designation through scheduling are set out in their Scheduled Monuments Policy Statement.

4 Specific Considerations

The sites, structures and monuments built for the commemoration of the dead are understandably diverse, reflecting centuries of changing beliefs and attitudes towards death and the dead. Each period has its own distinctive mortuary structures and practices but all have the potential to provide invaluable evidence for social organisation and demographics, cultural associations, medicine and surgery and death rituals.

Burial sites and their dead can also tell us much about human development, disease and diet, and can contain environmental evidence in the form of pollen and seeds, insects and molluscs which tell us about the landscape in which these burials were situated. Burial deposits may also contain a range of artefacts and grave-goods from everyday items such as pots and tools to spectacular artefacts which may reflect the status or occupation of the individual buried. All such sites are deserving of respect. This section sets out particular considerations that are weighed up in determining whether commemorative and funerary sites are suitable for statutory designation through scheduling.

4.1 Regional diversity

Care must be taken to ensure that regional variations in type are captured when taking decisions about designation, and in areas where site and monument types are relatively rare a more permissive designation approach should be adopted.

4.2 Geological considerations

Even for the most common forms of monument, such as round barrows, there can be considerable variation in construction, size and character which in part may reflect the underlying geology in the area in which they have been constructed, but which may also reflect genuine differences in chronology or burial practice. For instance, the differences between the modest round barrows found on the sandy soils of the New Forest and the spectacular earthen mounds of Wessex may reflect both the different potentials of chalk, sand and turf as construction materials and the fact that barrow-building began earlier in Wessex. Due allowance should be made for this variation, in order that examples from all areas are identified, and for the likelihood of survival (in many arable areas barrow mounds have rarely survived centuries of ploughing and even remnant mounds may be of considerable significance).

Geological considerations can also affect the potential of a site through soil conditions and humidity levels. Acidic soils are particularly adverse to good preservation of skeletal remains, while on the other hand peat-rich and waterlogged sites can give remarkable levels of preservation and very occasionally yield bog

bodies and intact wooden coffins. However, for all forms of barrow it is important to emphasise that assessments of potential need to consider the whole monument, not just the likely presence or absence of human remains.

4.3 Scientific considerations

There have been significant advances in scientific methods used for investigating human skeletal material over the past decades. Techniques are now available to look at individuals' diet and lifestyle though the study of stable isotopes in bone and tooth enamel; to consider genetic links between those buried together by DNA analysis; or to study the role of disease in the cause of death.

Refinements in radiocarbon dating methodologies and the use of statistical modelling of results have revolutionised discussions of prehistoric chronology. It is now possible to talk about peoples' lives and actions in terms of decades and generations rather than 'hundreds of years'. Many of these techniques are still being developed and improved, and all give human remains potentially greater archaeological significance.

4.4 Previously excavated sites

Many burial mounds were excavated by antiquarian investigators, eager to dig to the core of the tomb in pursuit of grave-goods. Although this has often resulted in disruption to the primary burial, the method of excavation means that in general the loss is limited and the barrow will retain evidence for secondary burials as well as considerable evidence for the monument's construction and use over time. Sometimes the information derived from the antiquarian excavation can enhance our understanding of the site and therefore its importance. Ever-improving techniques of investigation and analysis can enable further knowledge to be derived even from much-dug sites, which retain great significance too for their role in the overall archaeological landscape. Fragmentary or partial survivals will generally be designated where they represent rare site types.

4.5 Ethical considerations

The appropriate treatment of human remains – from their excavation, to their retention for study - is one of the most emotive and complex areas in heritage management. The Human Remains Working Group, jointly convened by Historic England, the Ministry of Justice and the Church of England, identified five principal assumptions: human remains should always be treated with dignity and respect; burials should not be disturbed without good reason; human remains and the archaeological evidence for the rites which accompanied their burial are important sources of scientific information; there is a need to give particular weight to the feelings and views of living family members when known; and there is a need for decisions to be made in the public interest and in an accountable way. Also relevant in this context is a 2005 document (Second Edition published 2017) produced by this working group, *Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England*, available on-line.

5 Designation Considerations by Period

5.1 Prehistoric

Burial mounds are among the most common types of site known for the Neolithic and Early Bronze Age, and consequently of special significance. They range from substantial and well-known sites, such as the West Kennet Long Barrow, Wiltshire, to more modest examples surviving only as cropmarks. Long and oval barrows are characteristic of the Neolithic while round barrows were constructed in the earlier Bronze Age, and later, more rarely, in the Roman and later Anglo Saxon periods.

Although distinguishable by excavation and in some instances by size (Roman barrows are generally much larger than their earlier predecessors), in general it is often very difficult to date or characterise round barrows without additional evidence provided by excavation or non-intrusive archaeological investigation. Round barrows may sometimes be confused with later mounds such as those built for windmills, while without intrusive investigation ring-ditches of ploughed-out barrows may be hard to distinguish from later prehistoric roundhouses.

Often forming distinctive features in the landscape, in which they were placed with great consideration (for instance in places with high visibility, such as hills and ridges), and sometimes subsequently enhanced with deliberate tree-planting during the eighteenth and nineteenth centuries AD, long and round barrows are among the earliest visible reminders of our prehistoric past. Scheduling has thus taken an inclusive approach towards such examples.

Where a barrow forms part of a wider grouping or cemetery, its significance will be considerably enhanced. In the areas between and around barrows excavation has demonstrated the presence of further flat inhumation and cremation burials, and the survival of other mortuary structures such as pyres. Where barrows are closely grouped, therefore, consideration should be given to the incorporation of these areas in the designation.

Long barrows and megalithic chambered tombs

These are rare nationally. Some 530 earthen long barrows are known, with clear concentrations in central southern England and the Wolds of Lincolnshire and east Yorkshire. Typically surviving as earthworks, but sometimes as cropmarks or soilmarks, given their rarity and age, all examples which have visual integrity or which retain archaeological potential should be designated. Particular care should be taken to capture any examples which lie outside their usual distribution range. Long barrows may sometimes be confused with natural mounds and later constructions such as pillow mounds or rifle butts.

Chambered tombs are even rarer in England, with the main concentrations in the Cotswolds, the south-west and Kent. Portal dolmens are particularly rare (only around 20 examples are recorded in England). Some megalithic tombs have occasionally been listed as standing structures: one example is the re-erected tomb at Park Place, Wargrave (Berkshire), brought to England from Jersey in the 1770s and re-erected as 'the Druid Temple' (listed Grade II). Given the potential for the survival of burials and associated archaeological deposits, however, designation through scheduling is the most appropriate approach, and all examples with visual integrity or which retain archaeological potential will again be designated.

Round barrows

The great age of round barrow construction was the Early Bronze Age (roughly 2200-1500 BC) and most examples are presumed to date from this period. Within these, however, there is considerable variety in form with some types much rarer than others. The majority of the estimated 30,000 round barrows from this period are bowl barrows. Bell, disc and pond barrows are considerably rarer: approximately 350 bell barrows, 72 disc barrows and 15 pond barrows are currently known nationally, although some of these totals are known to be very low: others remain to be discovered. Where it can be demonstrated that a barrow is of a less common type, the presumption should be in favour of designation if its form is readily legible, or it retains some archaeological potential.

Round barrows are widely distributed across England, though their survival as upstanding monuments often reflects later land use. In upland areas where the underlying geology is less favourable for the raising of earthen barrows, cairns of stone are more common; barrows proper are larger than the clearance cairns that may be of similar age but can be hard to distinguish from the results of more recent field clearance.

Given their overall numbers, some selection is needed when assessing bowl barrows and cairns for designation. Where they survive, and especially as groups, as good upstanding earthworks and retain archaeological potential, they will generally be designated. Factors which might contribute to a positive assessment of survival and potential include evidence for waterlogging (which will raise the potential for preservation of rare deposits and artefacts) and intactness.

Mound size alone cannot be taken as absolutely indicative of good survival. In some areas, such as on the sandy geology of the New Forest, the creation of substantial mounds was structurally challenging, and it is likely that here mounds were never more than about 0.3 m in height. Similarly, the apparently slight mounds seen in some parts of the Cambridgeshire and Lincolnshire Fens represent not the eroded remains of once larger barrows, but instead the emerging tops of mounds revealed by the shrinkage of the surrounding peat due to de-watering: here the majority of the barrow is likely to survive particularly well as a buried feature.

Other considerations needing to be assessed are clustering, and round barrows' relationship with other monuments (not necessarily contemporary ones). In both cases group value will be likely to add to the interest of an individual monument.

Entrance graves, ring cairns and tor cairns

These are limited in their distribution (mainly, but not exclusively being found in south-western England) and are thus relatively rare nationally. As a significant local variant of the more usual Bronze Age funerary monuments, all that survive well are likely to merit designation through scheduling.

Square barrows

Square barrows are mostly located in the north of England, although more recent archaeological research is identifying examples further south, especially in eastern England. In general, even with these new discoveries, they remain rare nationally. Given their rarity, age and representativeness, all examples which survive as earthworks or retain archaeological potential should be considered for designation.

5.2 Roman

Cemeteries

Well-organised cemeteries within defined areas set aside for this purpose are a feature of the Roman period. Generally located outside town, city and military sites and arranged along roadsides, these can often be extensive in area and may include mausolea, and both inhumation and cremation burials, some being marked by grave markers. Many Roman cemeteries have become subsumed within expanding urban centres over time and are largely known from historic and more recent archaeological records of burials. Where Roman cemeteries survive beyond developed areas, they may be considered for scheduling. Where possible their full extent should be identified for protection, but elsewhere the known extent in addition to a margin to allow for further burials will be appropriate.

Roman mausolea

Very few mausolea from this period are known in England, all having been discovered through excavation. Where mausolea can be confidently identified, they will generally be designated. An association with other burials or within a larger cemetery will considerably enhance the significance. Other associations, as at Keston (Kent) which will enhance their interests include group value with other sites of the period including Roman villas and settlements, temples, and military sites.

Tombstones

Commemorative or dedicatory grave markers were apparently common during the period. Given their portability and the interest they attracted from antiquarian collections, few remain in their original position and many have found their way into museum collections. Consequently, their significance is largely artistic and historical. Given their nature, listing (often in a high grade) may be the most appropriate designation for those which are now fixed in place but divorced from their original context. Exceptionally, where it can be demonstrated that the marker survives in its original location and where it can be reasonably expected that associated archaeological deposits will survive, designation through scheduling may be appropriate. This will particularly be the case where the marker is to be found within a wider cemetery.

Barrows

Barrows dating to the Roman period are especially rare and have a particular interest in reflecting the adoption of local funerary customs. Although more examples might await identification, fewer than 150 examples are known nationally. Given their relative rarity, and their interest in showing the transition from native burial practices to more Romanised forms, all will warrant designation. In addition, excavation has shown these sites to retain grave contents of particular interest, giving insight into burial practice and religious belief.

5.3 Anglo-Saxon and Viking

Cemeteries

Cemeteries of this period are frequently identified by the chance recovery of grave-goods through metal detecting or through excavation; often sites are only known from a single burial. Given this method of identification, it can be difficult to establish the full extent of the site without investigation via geophysical survey or air photography. As they rarely have any obvious above-ground boundary defining the burial ground, designation can be difficult since a spatial definition of the protected area is vital.

Where the extent of a site can be confidently defined, given the relative rarity of cemeteries and their considerable potential for answering questions about past human life, beliefs and social organisation, most Anglo-Saxon and Viking cemeteries (including execution cemeteries) will deserve serious consideration. Particular care should be taken to designate cemeteries which represent different periods, traditions and regions (rather than just the most artefact-rich). However, where a cemetery has subsequently been subsumed within a later urban area, designation through scheduling will be inappropriate and management under the planning system will provide the most effective mechanism for ensuring that the site's importance is recognised.

Barrows

Anglo-Saxon and Viking barrows are rare, and will generally be designated unless so damaged that there is little potential for the survival of meaningful archaeological deposits, and their outward form drastically altered.

Early Christian memorial stones

In common with Roman grave markers, these distinctive standing memorial stones are often designated through listing, generally at a higher grade. Their relative portability means that few survive in their original location and many will have lost their close association with relevant archaeological deposits. Given this, scheduling will only rarely be an appropriate designation and the majority are most effectively managed through listing at a high grade. Indeed, their fragile nature means that many might profitably be moved under cover to protect delicate inscriptions from ongoing erosion. Where it can be demonstrated that there is clear archaeological potential in the area around a memorial stone, they may be scheduled.

5.4 Medieval

As discussed above, few medieval funerary sites and structures have been designated through scheduling. Thousands of parish churchyards continue to be actively used for burials, which makes their scheduling inappropriate. Many thousands more survive as closed or abandoned burial grounds.

Some examples which ceased to be used for burials at the time of the dispersal of their populations have, however, been scheduled within the designation of larger areas of deserted medieval settlement such as at Wharram Percy, North Yorkshire, or through the scheduling of ruined church sites such as the churchyard of St Sampson's Church, South Hill (Cornwall). The archaeological potential of churchyards is often very considerable, as demonstrated by the work undertaken on the skeletal population of Barton-upon-Humber (Lincolnshire), but such is the number of known sites of medieval burial that scheduling is reserved for a very small number of sites. Funerary monuments are generally listed (often in a high grade), rather than scheduled.

The documentary sources tell of two types of mass burial in the Middle Ages: during plagues and other epidemics, and after battles. Predicting the sites of these is very difficult, and where mass burials have been found it has almost always been by chance. If such are identified in the future they would almost certainly meet the standard for scheduling, both for their historic interest and because of the exceptional nature of the population sample.

In practical terms this may well be the appropriate response if the site is unthreatened; if, on the other hand, it is, then a mitigation strategy may be required via the planning system. The same would hold true for other exceptional burial groups, including Jewish burial grounds. Those established during the Interdict of 1208-1215 may also be assessed to be of national importance because of their highly exceptional close dating.

By the Middle Ages, bones disturbed during grave-digging and building work were often placed in purpose-built churchyard charnel houses, or in crypts or smaller 'bone-holes' beneath the church. The custom, and the construction of charnel houses, continued into the post-medieval centuries. Free-standing charnel houses are typically listed, although ruinous examples such as the Chapel of Charnel at Bury St Edmunds (Suffolk) have been scheduled.

5.5 Post-Medieval sites and structures

Very few post-medieval commemorative and funerary sites have been scheduled in the past, and our approach is not generally to recommend further sites for such protection. Standing structures may be protected through listing. In terms of areas used for burial, it is recognised that these are of considerable interest (and sensitivity). Their archaeological potential – even of quite recent cemeteries – is recognised, and

has been demonstrated, for instance, at a number of cemeteries in recent years, for instance through the excavation and subsequent analysis of St Martin's-in-the-Bullring, Birmingham.

Current guidance accords archaeological significance to all human remains over a hundred years old, so specific flagging through designation is not necessary. In general, where a burial ground has potential significance, a balance needs to be struck between *in situ* preservation and controlled recovery. Should clearance be sanctioned, archaeological recording would be put in place as a condition of planning under the legislation listed above. This is not to deny cemeteries' archaeological potential, but this position does reflect the unsuitability of scheduling for more recent burial grounds.

As in the Middle Ages, mass burials are documented in the sixteenth and seventeenth centuries associated with battles (especially during the Civil Wars) and outbreaks of plague and other epidemics. If such are identified in the future, they may well meet the standard for scheduling. In practical terms this may be the appropriate response if the site is unthreatened; if, on the other hand, it is, then a mitigation strategy via the planning system may be required. Eighteenth-century and later commemorative and funerary sites and structures are protected through other designation means. Cemeteries, which expanded hugely in number during the mid-nineteenth century, are sometimes included on Historic England's *Register of Parks and Gardens* (see the Landscapes of Remembrance selection guide), while individual structures are often listed (see the Commemorative Structures listing selection guide).

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