



## THE CHURCHES CONSERVATION TRUST

### **ARCHAEOLOGY POLICY**

#### **1.0 Introduction**

- 1.1 The Churches Conservation Trust recognises that the primary function of churches vested in it are as places of worship. However, the churches also provide useful information about the history and social structure of the people of the parish, the changing styles and types of parish church architecture and liturgical practices, the use of indigenous or imported materials for fabric and ornamentation, and the development of a host of associated arts and crafts such as stained glass making, bell founding, clock making, woodwork and metalwork.
- 1.2 The Trust believes that archaeology is fundamental in forming a full understanding of a church or churchyard. Archaeology can be used as a tool for increasing such understanding when triggered by the need for works to the church and integral with them. As such there is an archaeological involvement at all stages of the Trust's work. In this context archaeology includes recording of the building above ground, including furniture and fittings, as well as below ground. Thus, the Trust might consider archaeological recording of the stone coursing of a wall that is being re-rendered, or of a timber screen or bell-frame under repair.

#### **2.0 Legislation**

- 2.1 The Trust's policy on archaeology takes account of regulations and guidelines contained in the following documents:
- Planning Policy Guidance 16: Archaeology and Planning, (PPG16)<sup>1</sup>
  - Planning Policy Guidance 15: Planning and the Historic Environment (PPG15)<sup>2</sup>
  - *The Management of Archaeological Projects 2* by English Heritage (MAP2)<sup>3</sup>
  - *The Churchyard Handbook* issued by The Council for the Care of Churches<sup>4</sup>
  - *Archaeological Requirements for Work on Churches and Churchyards* by The Association of Diocesan and Cathedral Archaeologists<sup>5</sup>
- 2.2 Various laws, both secular and ecclesiastical, provide a framework for the treatment of human remains according to the type of burial place, the ownership of the land, and the future use to which the site is to be put. For ancient burials, authorisation to disturb human remains is given or withheld via the Home Office under the Burials Act 1857.<sup>6</sup> Planning considerations may also apply, as may Scheduled Monument Consent.<sup>7</sup> On land currently under Church of England jurisdiction subject to the legal effects of consecration, ecclesiastical law applies *in addition* to the relevant secular statutes.

#### **3.0 Consultations (i.e. potential vesting cases)**

- 3.1 The Trust receives a copy of the Council for the Care of Churches report on all consultation cases. These documents are invaluable in highlighting the significance of each church.

Together with an architect/surveyor's inspection report on the condition of the fabric of the church and other specialist reports (such as a structural engineer's report), an archaeological assessment report is commissioned at consultation stage. The purpose of this report is to inform for subsequent phases of work to establish the likely level of future archaeological involvement. The assessment should involve some or all of the following:

### 3.2 Desk based assessment<sup>8</sup>

- This should consist of a report based on the consultation of a range of historic sources including documentary, photographic, illustrative and cartographic records. These records should be sourced from:
  - Historic Environment Records (HERS) also known as Sites & Monuments Records (SMRs)
  - local museums
  - The National Monuments Record
  - County and Diocesan Records Office
  - Private archives

### 3.3 Site Inspection:

- standing buildings and other structures
- ruined buildings and other structures
- cropmarks and earthworks that may indicate the presence of below-ground archaeological remains

### 3.4 The report should cover:

- the significance of the site
- the significance of the building
- the potential for buried remains
- recommendations for archaeological recording, either general or in relation to specific items of repair as recommended by the architect and other consultants, including the method of recording, e.g. drawing, photography, photogrammetry, resistivity survey
- potential sources of archive material
- recommendations for direct archaeological work (where sites are very sensitive)
- the costs attached to the above archaeological recommendations

3.5 The cost of archaeological involvement in phases of repair is included in the Trust's formal reply to consultation.

## 4.0 New Vestings

4.1 It is Trust policy to appoint a consultant to undertake archival research on soon to be or newly vested churches to establish past building works and repairs at that church, and inform the Trust's future proposals.

## 5.0 Existing Estate (i.e. vested churches under repair and maintenance programmes)

5.1 The Trust believes that archaeological concerns should be taken into account at the earliest opportunity. For repairs to its existing estate the need for archaeological involvement is

considered at the budget stage, and from which the basis of the Trust's bid for future funding is formed.

- 5.2 It is the experience of the Trust that some architects and surveyors often do not understand the relevance and value of archaeology to the care and conservation of church fabric. The onus therefore is on the Trust, as client, to give this matter due consideration.
- 5.3 Conservation Managers consider the need for archaeological involvement in detail when commissioning consultants to prepare documentation for individual repair programmes. Where necessary, and where possible, archaeological recording is undertaken prior to repairs being undertaken.
- 5.4 *In all cases, there is a presumption in favour of preservation in-situ of known archaeological remains.*

## **6.0 Levels of archaeological involvement**

- 6.1 There are four levels of potential archaeological involvement during ground-disturbing or structural work:
- 6.2 *Archaeological Watching Brief* (sometimes known as Precautionary Monitoring)<sup>9</sup>

The definition of an archaeological watching brief is a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area of the church or graveyard, where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and ordered archive. This definition does not cover chance observations, which should lead to an appropriate archaeological project being designed and implemented.

The purpose of a watching brief is:

- to allow, within the resources available, the preservation by record of archaeological deposits, the presence and nature of which could not be established (or established with sufficient accuracy) in advance of potentially disruptive works.
- to provide an opportunity, if needed, for the watching archaeologist to signal to all interested parties, before the destruction of the material in question, that an archaeological find has been made for which the resources allocated to the watching brief itself are not sufficient to support treatment to a satisfactory and proper standard. A watching brief is not intended to reduce the requirement for excavation or preservation of known or inferred deposits, and it is intended to guide, not replace, any requirement for contingent excavation or preservation of possible deposits. The objective of a watching brief is to establish and make available information about the archaeological resource existing on a site.

A watching brief may arise:

- in response to a development which threatens the archaeological resource
- as part of the planning process (within the framework of appropriate national planning policy guidance notes) and/or development plan policy
- as part of an Environmental Impact Assessment (EIA)

- outside the planning process (eg ecclesiastical development, coastal erosion, agriculture, forestry and countryside management, works by public utilities and statutory undertakers)

### 6.3 *Archaeological Investigation and Recording of Standing Buildings or Structures*<sup>10</sup>

The definition of archaeological building investigation and recording (ABIR) is a programme of work intended to establish the character, history, dating, form and archaeological development of a specified building, structure, or complex and its setting, including buried components, on land, inter-tidal zone or underwater.

The purpose of ABIR is to examine a specified building, structure or complex, and its setting, in order to inform:

- the formulation of a strategy for the conservation, alteration, demolition, repair or management of a building, or structure, or complex and its setting, or
- to seek a better understanding, compile a lasting record, analyse the findings/record, and then disseminate the results.

ABIR may arise:

- prior to, during and on completion of works of repair, alteration, management or demolition
- as part of the planning process (within the framework of appropriate national guidance including planning policy guidance and associated legislation and/or development plan policy)
- in a conservation area, where records of buildings, structures or complexes and their setting (PPG 15 para 2.17) may assist the local authority to determine the impact of a given proposal on the character of the conservation area as well as assessing individual buildings and structures of importance
- under the provisions of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 relating to places of worship and their internal systems of control, and such similar provisions in Wales, Scotland and Northern Ireland and the Faculty Jurisdiction System relating to Church of England Churches and arising from the Care of Churches and Ecclesiastical Jurisdiction Measure 1991; or the Care of Cathedrals Measure 1990 and Supplementary Provisions 1994
- as part of an Environmental Impact Assessment (EIA)
- as the basis for, or in conjunction with, proposals or specifications for work (eg those of an architect, engineer, builder or chartered surveyor) to a building, structure, or complex and its setting
- as part of an agreed strategy in mitigation of damage or loss to a building, structure or complex and its setting, including a process of controlled demolition or re-erection
- in conjunction with a programme of archaeological assessment, field evaluation or excavation
- in connection with the preparation of conservation or management plans by private, local, national or international bodies; for example as part of a total facility management scheme in a museum or related context, or where a building is seen to be at risk
- within the context of the interpretation and presentation of the site to the public
- within a programme of research not generated by a specific threat to the archaeological resource
- within the context of a threat from natural agencies

- as part of a disaster mitigation plan by way of insurance against loss or damage

#### 6.4 *Archaeological Field Evaluation*<sup>11</sup>

The definition of archaeological field evaluation is a limited programme of non-intrusive and/or intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within a specified area. If such archaeological remains are present field evaluation defines their character, extent, quality and preservation, and enables an assessment of their worth in a local, regional, national or international context as appropriate.

The purpose of field evaluation is to gain information about the archaeological resource within a given area or site (including its presence or absence, character, extent, date, integrity, state of preservation and quality), in order to make an assessment of its merit in the appropriate context, leading to one or more of the following:

- the formulation of a strategy to ensure the recording, preservation or management of the resource
- the formulation of a strategy to mitigate a threat to the archaeological resource
- the formulation of a proposal for further archaeological investigation within a programme of research

A field evaluation may arise:

- in response to a proposed development which threatens the archaeological resource
- as part of the planning process (within the framework of appropriate national planning policy guidance notes and/or development plan policy)
- as part of an Environmental Impact Assessment (EIA)
- outside the planning process (eg ecclesiastical development, coastal erosion, agriculture, forestry and countryside management, works by public utilities and statutory undertakers)
- within a programme of research not generated by a specific threat to the archaeological resource
- in connection with the preparation of management plans by private, local or national and international bodies

#### 6.5 *Archaeological Excavation*<sup>12</sup>

The purpose of excavation is to examine the archaeological resource within a given area or site within a framework of defined research objectives, to seek a better understanding of and compile a lasting record of that resource, to analyse and interpret the results, and disseminate them. A full excavation will only be required under exceptional circumstances when there is likely to be substantial disturbance of nationally important archaeological remains.

- 6.6 In practice most archaeological fieldwork at Trust churches will consist of either an archaeological watching brief or an ABIR, but where the situation is not clear, Conservation Managers should seek advice from the County Archaeologist or Diocesan Archaeological Adviser and agree a brief for archaeological involvement at the start of each project.<sup>13</sup>
- 6.7 All fieldwork on Trust churches should be carried out to the standards indicated within the IFA's guidelines as indicated in references 8-12 of this policy document.<sup>14</sup>

## **7.0 Artefacts**

- 7.1 Where artefacts must be disturbed, it is Trust policy, after due evaluation by an archaeologist and with the agreement of the legal owner if relevant, to record them and then re-inter them from where they came unless the evaluation process dictates otherwise. When this is not possible or sensible, finds are generally deposited at a local museum on long-term loan. The Trust has no power to 'give away' anything that has been vested in it, which includes artefacts uncovered during work on site. On occasion finds may be retained for educational or long-term study purposes. In some cases, artefacts may fall under the definition of 'treasure' under the Treasure Act 1996.<sup>15</sup> Advice as to their relevance with this act should be obtained from the County Archaeologist or Diocesan Archaeological Adviser.
- 7.2 *No excavation (above or below ground) is normally permitted beyond that which is necessary for the satisfactory completion of the works.*

## **8.0 Human Remains<sup>16</sup>**

- 8.1 Human remains may range from the occasional fragment of bone to complete and intact skeletons found during excavations or investigations.
- 8.2 Legal issues: In vested churchyards, the legal effects of consecration no longer apply, but they remain consecrated ground. In these cases, ecclesiastical law is not applicable and remains are treated in accordance with the secular legal system. In non-vested churchyards, the Faculty Jurisdiction system applies and the Trust must obtain a Faculty for any work it wishes to undertake, and the granting of a faculty will take into consideration the Trust's policy on human remains.
- 8.3 *There is a presumption against the disturbance of in-situ human remains, and where the disturbance is necessary, remains should be given respectful treatment. It is Trust policy in favour of re-interring remains when these are disturbed, noting that re-interment does not necessarily mean re-burial, although this would be the Trust's preference.*
- 8.4 Although churchyards vested in the Trust are no longer under the protection of the diocesan consistory court, the Trust shares the view of the Church that human remains may not be disturbed without good reason.
- 8.5 Trust policy is that new drainage or service installations should avoid marked graves and will follow the line of existing service routes where at all possible to minimise disturbance. During excavations it is possible that unmarked burials will be uncovered. In such instances, they are to remain undisturbed if this is at all feasible. Remains discovered by a contractor during excavations are to be left in-situ until advice is sought from an archaeologist.
- 8.6 If retaining burials undisturbed is not possible, it is policy to bag up the bones under archaeological supervision, keeping separate burials separate, and store them under lock and key on site until the end of the work. They will be re-interred in another part of the churchyard at the direction of the local incumbent in an area where it is considered unlikely that other remains will be disturbed. Such work should be carried out behind screens to

avoid casual gaze. In some circumstances, where early or important burials are discovered, skeletal material may be removed for further study on the advice of the archaeologist and with the agreement of the Trust and any other legal owners. The Trust recognises that in the majority of cases it will not be possible nor feasible to trace living relatives of human remains in unmarked burials. Where material is to be removed for further study, a time limit of 12 months will be given, although this may be renewed with the agreement of all parties.

8.7 The key governmental legislations are the Burial Act 1857 and the Disused Burial Grounds (Amendment) Act 1981. A recently published guidance note by the Ministry of Justice (April 2008) states that an exhumation licence is required for all excavation of human remains within churchyards, whether or not they are still used for burial. If it is expected that work within a churchyard will disturb inhumations a licence should be sought from the MoJ prior to work commencing. The licence can also be applied retrospectively. Excavations within the church itself are not subject to the 1981 Act.

8.8 Advice on any excavations of human remains within a Trust church or within the churchyard can be sought from Neil Rushton. If an archaeological contractor is carrying out the work likely to disturb the human remains they should offer consultancy advice as part of the contract.

## **9.0 Destructive Analysis**

9.1 Destructive analysis may be permitted in exceptional circumstances with due justification, although the Trust's preference will always be for analysis through non-destructive techniques (see section 6.0).

## **10.0 Discoveries during Work on Site**

10.1 Whilst every effort is made to assess the potential of archaeological remains or material of interest prior to repairs being carried out on site, there will be instances when interesting discoveries are made as work proceeds. On these occasions an archaeologist is to be contacted for their advice leading to a site visit, evaluation and recording of the discovery if considered appropriate.

## **11.0 Recording on Site**

11.1 Provision for archaeological recording during the contract is made in the specification for repair work prepared by the Trust's consultant. It is the Trust's policy to give one week's notice of the commencement of fieldwork to allow archaeological staff to programme their involvement.

## **12.0 Archaeological Reports**

All archaeologists providing a service for the Trust are to provide written reports on the project within an agreed timetable. A copy of the report is to be sent to the Trust, where it will be held with other important church papers and logged on its database. At present a copy of the report should also be lodged with the relevant museum and the Historic Environment Records office (usually maintained by the County Council).

## 13.0 Finance

- 13.1 The Trust has allocated funds to archaeology in its Existing Estate budget, reflecting the importance that it attaches to this particular aspect of its work.

## 14.0 Personnel

- 14.1 As a general rule, the first point of contact for the Conservation Manager when dealing with archaeological issues is either the County Archaeologist or the DAC Archaeological Advisor. However, it is recognised that field knowledge and expertise varies widely and advice on suitable archaeologists may, in the first instance, be obtained from the Director of Conservation or Neil Rushton who will consult with the Archaeology Officer of The Council for Care of Churches.

## 15.0 References

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<sup>1</sup> <http://www.communities.gov.uk/index.asp?id=1144057>

<sup>2</sup> <http://www.communities.gov.uk/index.asp?id=1144041> It should be noted that PPGs 15 & 16 are currently being revised into a single document

<sup>3</sup> <http://www.eng-h.gov.uk/guidance/map2/index.htm>

<sup>4</sup> The Council for the Care of Churches, 2001, *The Churchyards Handbook* (Church House Publishing, London)

<sup>5</sup> <http://www.britarch.ac.uk/adca/documents/ADCAGuidanceNote1.pdf>

<sup>6</sup> <http://www.bajr.org/Documents/HumanRemainsGuide.pdf#search=%22Burials%20Act%201857%22>

<sup>7</sup> [http://www.english-heritage.org.uk/upload/pdf/scheduled\\_monuments\\_guide.pdf](http://www.english-heritage.org.uk/upload/pdf/scheduled_monuments_guide.pdf). For planning guidelines in general see <http://www.bajr.org/developerweb/planning.htm>

<sup>8</sup> <http://www.archaeologists.net/modules/icontent/inPages/docs/codes/dba2.pdf>

<sup>9</sup> [http://www.archaeologists.net/modules/icontent/inPages/docs/codes/watch\\_brief.pdf](http://www.archaeologists.net/modules/icontent/inPages/docs/codes/watch_brief.pdf)

<sup>10</sup> <http://www.archaeologists.net/modules/icontent/inPages/docs/codes/build2.pdf>

<sup>11</sup> <http://www.archaeologists.net/modules/icontent/inPages/docs/codes/fldeval2001.pdf>

<sup>12</sup> <http://www.archaeologists.net/modules/icontent/inPages/docs/codes/exc2.pdf>

<sup>13</sup> <http://www.bajr.org/developerweb/default.htm> for a listing of all county archaeologists, This information can also be found in the IFA *Yearbook and Directory*. For Diocesan archaeologists see <http://www.britarch.ac.uk/adca/index.html>

<sup>14</sup> <http://www.archaeologists.net/modules/icontent/index.php?page=22> for list of Registered Archaeological Organisations. This information can also be found in the IFA *Yearbook and Directory*.

<sup>15</sup> <http://www.opsi.gov.uk/ACTS/acts1996/1996024.htm>

<sup>16</sup> <http://www.english-heritage.org.uk/server/show/nav.001002003009006003>;  
<http://www.justice.gov.uk/whatwedo/burials.htm>