

European and External Relations Committee
Scottish Parliament
Holyrood
Edinburgh
EH99 1SP

EUreformandreferendum@parliament.scot

5 September 2016

RE: Response to consultation on Scotland's relationship with the EU

Dear Madam or Sir,

Thank you for the opportunity to submit evidence in relation to the future of Scotland's relationship with the EU. The following contribution concerns the archaeology sector in Scotland and the statutory and policy instruments which support and shape it, including those devolved, those remaining the responsibility of Westminster, and those of European origin.

The response notes where the decision is expected to affect the archaeological workforce, the market for development-led work undertaken through the planning process, and higher education institutes. It also takes a view on wider processes of planning, agricultural policy, and funding structures which will be impacted by the decision to leave the EU.

About the Chartered Institute of Archaeology

CIfA is the leading professional body representing archaeologists working in the UK and overseas. CIfA promotes high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provides a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,200 members and nearly 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

CIfA's Scottish Group has over 250 members practising in the public, private and voluntary sectors in Scotland. Furthermore, CIfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.

About the archaeology sector

The archaeological profession is very diverse, but in simplistic terms, archaeologists may operate either privately or within public bodies and work within the planning system, within research institutions, independent charitable organisations, and in the voluntary sector. Since at least

1990, most archaeology has been undertaken as a formal part of the planning process and as such is intimately connected with various aspects of the planning system, including some underpinned by European directives; most prominently the Environmental Impact Assessment Directive. Outside the planning system, agri-environment schemes, delivered under the aegis of Pillar Two of the Common Agricultural Policy, also contain archaeological elements – as do other aspects of rural land-use management programmes. Historic Marine Protected Areas are also enabled under Marine Strategy Framework Directive. There is a strong reputation for excellence at Scottish universities; however, this excellence is supported by, and closely dependent upon, investment in research, with several important funding sources and many academic partnerships, at the European scale. Finally, there is a long and proud history of voluntary engagement with the historic environment, from those engaged with high quality excavations, either funded privately or through grants, including local archaeology societies, to those with a general interest in the study, interpretation and enjoyment of archaeology. There are an estimated 15,000 volunteers across Scotland working in archaeology-related roles, and hundreds of thousands of interested individuals. More broadly still, an archaeological sense of place is of implicit importance to most citizens, as the past shapes our environments in myriad ways, from traces of ancient field systems, roads, and street plans in modern landscapes, to the everyday heritage of traditional buildings and industry.

Current relationships with the EU and potential impacts

i. Planning policy

Archaeology is directly affected by European planning policy, particularly the Environment Impact Assessment Directive. Scottish Government is currently consulting on the transposition of this Directive in Scottish law, as it is currently legally required to do while the UK remains part of the EU. ClfA will be contributing to that review, but the principles of EIAs – which permit due consideration of archaeological remains as part of environmental responsibilities of developers in many development schemes – are strongly supported within the archaeology sector.

We are confident Scottish Government will continue to recognise the value of environmental impact assessment, however, it is certainly worth noting that there is a greater potential for the erosion of environmental protection (including archaeology) if the EIA directive is lost without replacement in domestic law, as current trends in Scottish planning reform are towards expanding permitted development rights and otherwise deregulating planning. Without a legal provision for environmental assessment it would be feasible to see legal duties to assess archaeology diminished.

ii. Development-led archaeological sector

So called ‘commercial’, or development-led, archaeology is dependent upon the buoyancy of the construction and planning system for its work. A downturn in housebuilding and infrastructure development has a knock on effect for archaeology, which is sometimes considered a bellwether industry for planning as a whole. The size of the archaeological sector is such that it is very reactive to development, with downturns leading to job losses. The market

uncertainty which is expected to follow Brexit therefore increases the likelihood that employers will need to issue shorter term contracts to keep businesses viable, lowering the standards of job security for many workers. Of course, lots of factors play into this, with levels of uncertainty equally tied to the market in the rest of the UK, as well as to a variety of other variable conditions.

Conversely, there is already a skills gap in the Scottish archaeological sector, meaning that companies (both Scottish and English-based which work in Scotland) often need to take on non-UK skilled archaeologists in order to meet demand. This reliance increases in boom periods, and any move to restrict free movement of labour could be damaging for the sector. We have considerable data from the 2008 recession to illustrate these issues, however, it is too early to tell whether evidence from the period immediately following the referendum is indicative of a similar trend or whether it will be a short term anomaly. It is possible that Scotland will not be as affected as some other parts of the UK as the growth rate prior to the referendum was already lower and therefore may be less volatile.

That being said, any economic downturn is also likely to compound current issues facing local authority archaeologists, whose positions are already often vulnerable. These specialist advisors are critical to the proper functioning of planning protections for the historic environment, and will be under greater pressure if councils lose further funds.

iii. Higher education

As with much of the academic sector, archaeologists in research institutions work all over the world, attract talented researchers and teaching staff from a global pool, and compete in a marketplace for top students from across the EU and globally. The impact of Brexit on the fee structures for EU students (excluding the rest of the UK) in Scotland and of any change to free movement of people and labour is likely to impact universities, with these impacts dependent upon various aspects of the Westminster government's exit negotiations.

Perhaps more concerning is the integration into European research networks and funding models, for example, through European Research Council funding, and Marie Skłodowska-Curie actions. Universities like Edinburgh have been proportionately among the largest recipients of EU investment through the Horizon 2020 programme across all disciplines, and has a similar track record with other EU investment into academic research, owing to its academic excellence¹². We are aware of instances in UK university archaeology departments where uncertainty over future access to these networks and to funding is posing an immediate threat to projects currently in the planning phase, as European partners look to limit future risks by avoiding projects with UK institutions which will last beyond Brexit.

¹ <http://www.rcuk.ac.uk/media/news/160706/>

² <http://blogs.lse.ac.uk/brexitvote/2015/12/05/debunking-the-myths-about-british-science-after-an-eu-exit/>

Though a number of possibilities exist for preserving access to these networks and funding streams, either as part of exit agreements, or otherwise as an ‘associated country’³, or through Scottish/UK Government offsetting of funding, it is possible that any new arrangement outside of full EU membership could lead to a lower success rate for applications to EU funding, limitations or quotas for funding, and a long term attitudinal shift in confidence of partners working with the UK. For example, recent evidence⁴ from Switzerland shows that academic research funding can become a political bargaining chip in wider negotiations with the EU – which in this specific case led to a drop in participation of 40% due to imposed access restrictions, and has had more permanent effects of making Swiss partners less attractive to international consortiums.

iv. Independent charitable and voluntary sectors

In addition to the above sectors, the independent charitable sector also receives funding from EU programmes, for example the LEADER programme which funds local projects which produce community benefit in the rural economy. Scotland has received a proportionately high level of LEADER funding over the life of the programme and it is unclear how such funding would be replaced as it is unlikely that Scottish Government could do so within its present devolved budgets.

v. Agri-environment schemes:

Agri-Environment Climate Schemes in Scotland are funded through Common Agricultural Policy subsidies to landowners, and have contributed to the safeguarding of the historic and natural environment in an important way and have a huge potential to deliver further benefits to archaeological assets in rural landscapes. With over £350m for the project allocated between 2015 and 2020, but with no assurances for schemes due to be underway past 2018 (from the point that two years from the triggering of article 50 may elapse) there is the potential for immediate impact of Brexit on the quality of environmental protection in Scotland.

Scottish Government has continued to demonstrate UK-leading targets for tackling climate change, promoting public access, and celebrating heritage, but the loss of EU funding for agri-environment schemes will require assurances in the short and medium term, and new models for funding and delivery in the long term.

Case studies of current impacts

There is limited data from the archaeology sector regarding the actual impact on the archaeology sector since the referendum result, but there is anecdotal evidence to suggest that both the development-led and research sectors are suffering from the effects of uncertainty of the decision to leave.

³ http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/3cpart/h2020-hi-list-ac_en.pdf

⁴ <http://blogs.lse.ac.uk/brexitvote/2015/12/05/debunking-the-myths-about-british-science-after-an-eu-exit/>

However, it is difficult to assess any long term significance from current examples that we have collected, as many of the current problems can arguably be attributed to uncertainty in the short term and we do not yet have clarity on longer term impacts. However, it is clear that without effective intervention from both Scottish and UK Governments, there are significant long term dangers

Scotland's future relationship with the European Union

It is difficult for us to speculate on possible relationships between Scotland and the EU. We can however, consider different ways in which the Scottish Government can seek to preserve aspects of the relationship with Europe which would help to ensure positive protections for the historic environment:

- *Free movement of labour*: Scotland can take steps to ensure that free movement of labour is preserved by pressuring the Government in Westminster to only accept a withdrawal deal which preserves these rights. Failing that, it is possible that a system whereby qualified, skilled, and accredited archaeologists could be granted rights to work in demand industries, of which archaeology should be one. It is recognised that options for Scotland to remain in the EU could also have this effect, though the connection to the labour markets in the rest of the UK would also need to be secured in any such scenario, as these are undoubtedly even more significant to the archaeological workforce in Scotland.
- *Access to international research and funding networks*: Ensuring that the UK continues to have unfettered access to European research networks and funding should be a top priority for Scotland, if it wishes to protect its reputation for academic excellence. It should also be stated in the clearest possible way that Scotland will support its Universities come what may, and that any shortfall will be replaced through other means.
- *Support of Government to mitigate or bolster any lost EU programmes*: As can be seen in the case of Swiss conditional access to EU funding programmes, there is clear potential for a loss of confidence among partners and lower success rate in applications, despite near-full access in theory. A strong commitment from Scottish Government to either increase national contributions to match any shortfall or seek assurances that such funds will be provided through UK budgets, or changes to the devolution settlement will be required to restore confidence that both independent charitable and academic work will not suffer as a result of Brexit.
- *Commitment to maintain or enhance policies previously derived from EU sources*: There is undoubtedly a huge opportunity for Scottish Government to stake a claim to culture and the environment which allows for greater benefits than existing policies, for example, by enshrining principles from EIA regulations in domestic policy and seeking a replacement for the Common Agricultural Policy which is tailored for Scottish needs

regarding the likes of upland and marine environmental and heritage protection and agricultural uses.

If there is anything further that we can do to assist, please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Hinton', written in a cursive style.

Peter Hinton BA MIFA FSA FRSA FIAM
Chief Executive, Chartered Institute for Archaeologists