

COMMENT : Scotland's fracking is a 'pseudo-ban'

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Ah, fracking.

The new 'f' word has really made its way into the mainstream energy and climate change discourse over the past few decades. It has been associated with the risk of groundwater contamination, earthquake movements and, the elephant in the room – fuelling a continued dependence on the carbon-belching fossil fuels that have trapped the industrialised world for over two centuries now.



Ineos at Grangemouth Photo John Preece

As humanity's last-ditch claw at fossil fuel extraction, it has racked up a reputation for igniting fierce and controversial debates within the climate change arena, breeding hope for the oil and gas industries while worsening the nightmare of a fossil-dependent world for most of the rest of the world.

But few thought that this apparently interminable battle, between those wanting to scrape the bottom of the fossil fuel barrel and those wanting to bury it where it belongs, could have found ground in Scotland.

Scotland introduced a moratorium (or temporary prohibition) on

fracking in 2015, and upgraded it to an [actual ban](#) on fracking in late 2017, joining a handful of countries and regions worldwide with a fracking ban to the widespread appreciation of the clean energy world.

The ban wasn't plucked out of thin air – in addition to the already documented impact of fracking, a Scottish Government consultation showed that [99% of the public was opposed to fracking](#) (60,000 respondents) and [clear messages](#) from expert consultants confirmed that: 1. fracking does little to boost the economy, 2. fracking pushes Scotland's climate targets further out of reach, and, ultimately, 3. “there is no social license for [it] to be taken forward” (Paul Wheelhouse, Scottish energy minister, declaring the ban on fracking). For the past few years, the position of Scotland on fracking seemed fairly immutable.

So what is a headline like “[Scottish Government extends Ineos fracking licence](#)” doing in the news just a few weeks ago?

It turns out that the Scottish fracking ban apparently wasn't really a ban. It turns out that it wasn't passed into law, but rather it consisted of [the government instructing local authorities](#) not to give permission for any fracking activities; instructions which were not protected against an MSP or minister turning around and asking a local authority to, in fact, grant a particular permission.



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It turns out that when [challenged in court](#) by Ineos, a large petrochemical company with fracking interests, The Scottish Government declared that there was, in fact, no ban. And, befuddled, readers went back to Paul Wheelhouse's declaration of the ban on fracking, and realised that he had, in fact, said "there is no social license for [it] to be taken forward at this time."

Not ever, just "at this time".

And afterwards, many different little puzzle pieces start to come together: the initial dissatisfaction of the Lib Dem and Green Parties with the protection that the ban offered, the "holding to ransom" of Scottish jobs by Ineos as they opposed the ban, the acidic commentary of one of Ineos's operations directors on the fact "[that the Scottish Government did not know what it was doing](#)". It is very possible that it didn't. Regardless, what was once Scotland's fracking ban can now

only really be called a 'pseudo-ban',

This pseudo-ban is, in my view, dangerous. Firstly, there is the obvious problem – the fact that its blurriness has allowed the government to renew Ineos's license to explore and develop a 400 square km area of Scotland's central belt, to the south and west of Falkirk. No less than 20 community councils and groups [had written to the energy minister](#), asking him not to renew the license, for fear of risks to Scottish communities. They were [joined by one MSP and two MPs from the Falkirk area](#), who asked the Energy Minister, "on behalf of the majority of our constituents", to not grant the renewal.

And it's not just "experts" (who, apparently, the people of Britain "have had enough of") who believe they are real, but also the Scottish communities who might be directly affected by fracking. No one could possibly play any "ignorance of the masses but will of the people" card on this one. There is no good reason to put out feelers for fracking as a possible industrial activity, and I believe that the Scottish Government should not entertain Ineos, or anyone else who believes there is. But it did entertain Ineos, and the idea that fracking is at all desirable. That, in itself, is dangerous.

Secondly, there is the Ineos problem. This is a company [which threatened to remove jobs](#) from Scotland when the ban was introduced, even though they were not actually fracking in Scotland at all at the time. It is also a company which has blatantly accused British communities of obstructing national interest (by daring to not want fracking in their back yards) that [they were apparently abandoned](#) by their PR company ([allegedly specialists](#) in "dealing with" local resistance to projects such as fracking).

And ultimately, it is the company that [sued the Scottish Government](#) for banning fracking, claiming it had "exceeded its powers", and forced the government to admit that the

fracking ban was not a ban at all. The fact that, after all this, The Scottish Government extended Ineos's license is in my view suspicious, worrying and disappointing.

It opens a very risky door for other companies to pounce on the 'ban's' shaky foundations and play the government's embarrassing confession, complete with Ineos's sarcastic "[we're-sorry-that-you-wasted-money-by-going-to-court-over-a-ban-that-wasn't-a-ban](#)", like an evidence tape. This sets the stage for a worryingly uncertain future for Scottish-based corporations effectively backing the government into a corner and making a fuss until they get what they want, regardless if this poses risk to the environment, exacerbates climate change, and goes against the will of voters.

Ineos's precedent aside, the third and final reason why the pseudo-ban is dangerous is that it is not a point-source issue. It is not a single project or planning application, it is a long-term position of the government which, as recent events show, is still under clarification. It is shrouded in uncertainty, supported by half-built foundations and diffused over all pre-fracking and fracking activity – which, in addition to making it confusing to the average voter, extends its possible impact well beyond the boundaries of Ineos's exploration activities.

Now that its half-built foundations seem to have been knocked over in court, it becomes even more imperative to dismiss this diffuse and uncertain nature of the government's position on fracking, and pass the ban into law. After all, many would agree that our communities are dealing with enough by having to oppose individual, well-defined fossil fuel projects, never mind a blurry and greyscale "governmental position" whose impact reaches far both in space and time.

Where does all this leave us? In a fairly nail-biting, 'truth'-questioning position. But not all is lost – it never is. Pressuring Scottish MPs to table a bill to pass the ban into law, demanding that local leadership and community councils strengthen their collective voice against fracking, directly and publicly opposing the extended exploration by Ineos in the Falkirk area, and talking, talking, talking as much as possible about fracking, are all things that anyone could do to try and sort this mess out from the bottom up.

Small things, one might say, echoing some respondents to the Government's fracking consultation, who questioned what difference Scotland actually made in the world, as such a small country. But we've been around for long enough to know that being small does not mean being insignificant.

Indeed, some cultures have the saying that "the strongest essences come in the smallest bottles". And if climate ambition and environmental stewardship is indeed the essence of Scotland, then just one more person keeping firm in the fight against fracking makes a world of difference.



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