

## Fracking and Local Credibility in Ireland

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When elected members of local authorities are faced with the possibility of a transformative development in their areas, they have two choices. They can initiate a process of becoming seriously informed of the technical, economic, social and environmental implications, engage on the basis of such information with key stakeholders and the general public, and then arrive at conclusions as to what the best way forward for their area is or they can grandstand with a rush to judgement.

The serious approach would require that they have their Executive produce a briefing note (about 10,000 words) that outlines the technical, economic (including enterprise) social and environmental issues that arise for a host community, and the real choices that arise. The elected members supported by the Executive could then take this and engage with communities, enterprise leaders, experts – including personnel at EPA, Geological Survey of Ireland, and other agencies – and the general public via hearings, written submissions, interactive media, and use this combination of expertise and feedback to arrive at a well judged understanding of the issues, the choices faced, and likely social, economic and environmental implications and choices for their area.

Unfortunately, this is not how some local authorities act...

... as exemplified by **the potential of fracking**– where a wellbore is drilled into reservoir rock formations, and the energy from the injection of a highly-pressurised fracking fluid creates new channels in the rock which can increase the extraction rates and ultimate recovery of fossil fuels. [Find out more about fracking here.](#)

Instead of doing the serious effort we have a right to expect, we observe grandstanding – behaviour that is intended to get public attention and approval which is typically informed more by anecdote than by serious analysis, or willingness to listen. It can entertain and is often harmless. **But when it is becomes a habit of politicians, it can be destructive.**

In recent weeks elected members of three local authorities – Leitrim, Roscommon, Clare – have been seeking to ban fracking by inserting provisions in development plans doing so. There are fundamental reasons why this should not happen.

- Firstly, it is very probably illegal. When elected members in Mayo banned mining in Mayo in 1992, the provision in their development plan purporting to do so was declared illegal.

- Secondly, exploration for sources of energy is supported by all political parties and is vitally necessary if Ireland is ever going to reduce its 86% dependence on imported sources of energy.
- Thirdly, it is not the function of elected members to make decisions of this nature. Our democratically elected parliaments have enacted a complicated and stringent code of environmental laws which provides that decisions on any project of potential environmental significance should be made by persons qualified to make them. In Ireland that is the EPA and An Bord Pleanála – both of which have a very good record in this respect. In the 20 years since the EPA was established, there are few if any authorised projects that are causing serious pollution or public health problems.

**By banning fracking, elected members are prejudging the issue – they may be correct, but there is little evidence that they have listened to both sides of the story.**

If the Government wants to ban fracking, it should. And it is entitled to make a law doing so. But until it does, those exploring for energy are entitled to have their cases heard impartially by professionally qualified persons in State bodies whose function it is to decide on their applications. If they decide that fracking is unacceptable for environmental or any other legally permissible reasons, they have power to refuse permission for it.

Does it matter that local authorities behave this way?

Yes. It does for the following reasons:

- Grandstanding explains in part why local authorities in Ireland lose, and continue to lose, responsibilities and powers in many areas. Some of this leakage has to do with achieving economies of scale and scope, but a lot has to do with lack of credibility. Local authorities – and especially their elected members as a group – are not seen to behave in ways that informed citizens would regard as reasonable. **Behaviour that goes down well in a partisan crowd in the local hall is not seen by the generality of citizens as thoughtful or responsible.** The inevitable reaction is to move powers to the centre. This pattern, soon to be extended to water, damages local democracy, and it can also damage performance, in that the intimate local knowledge which can improve decisions and their implementation, gets lost. And areas of real achievement, such as vocational education, get damaged in the fall out.
- The ability of elected members to make impartial decisions that are legally robust on matters which may arise in connection with the consideration of any application for permission for a project involving fracking (for example, a variation of a development plan) can be compromised.

- And it discourages from public service those existing and prospective elected members who have an interest in evidence, the strategic issues, and listening to all sides.

[Find out more about fracking.](#)

*This blog post was written in conjunction with Yvonne Scannell, School of Law, TCD and and fellow Board Member of [Publicpolicy.ie](#).*