

Compliance with Objectives of the Marine Strategy Framework Directive

Marine Strategy Framework Directive

The Marine Strategy Framework Directive (MSFD) (2008/56/EC) was formally adopted by the European Union in June 2008 and is transposed into Irish law by the European Communities (Marine Strategy Framework) Regulations 2011, as amended. The overarching aim of the Directive is to protect Europe's marine waters by applying an ecosystem-based approach to the management of human activities while enabling the sustainable use of the marine environment for present and future generations. The Directive establishes a legal framework for the development of marine strategies designed to achieve Good Environmental Status (GES) in the marine environment by the year 2020. The marine strategy involves defining GES, setting environmental targets and indicators, implementing monitoring programmes for ongoing assessment, and developing and implementing programmes of measures to achieve or maintain GES.

GES is defined as *'the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations.'*

The assessment of GES is undertaken by reference to qualitative descriptors which define overarching objectives in respect of key socio-economic or ecological aspects of the marine environment. These specifically require the consideration of the following:

- biodiversity;
- non-indigenous species;
- Commercial fish and shellfish;
- food webs;
- human-induced eutrophication;
- sea-floor integrity;
- alteration of hydrographical conditions;
- contaminants in water and biota
- contaminants in seafood;
- marine litter; and
- the introduction of energy including underwater noise.

To date, an Initial Assessment (constituting a comprehensive review of the physical, chemical and biological characteristics of the marine area, as well as the human pressures acting upon it) has been undertaken (DEHLG 2013). A comprehensive set of environmental targets and associated indicators has been developed resulting in 25 revised environmental targets as outlined in Ireland's Article 17 update to Ireland's Marine Strategy Part 1: Assessment (Article 8), Determination of Good Environmental Status (Article 9) and Environmental Targets (Article 10) (DHPLG, 2020). These revised targets now align more closely with the requirements of the Birds and Habitats Directives, the Water Framework Directive, the Common Fisheries Policy. These are being used to demonstrate that GES has been achieved or is being maintained in accordance with the objectives of the MSFD. Almost half of the 11 qualitative descriptors for determining Good Environmental Status (GES) have fully achieved GES:

- non-indigenous species;
- human-induced eutrophication;
- alteration of hydrographical conditions;
- contaminants in water and biota
- contaminants in seafood

For marine litter and the introduction of energy both of these descriptors have fully achieved GES for the primary criteria assessed but lack of data and methodologies has prevented assessment of other primary criteria. Three have also partially achieved GES (Biodiversity, Commercial Fish and Shellfish and Sea Floor Integrity) due to different results for key elements assessed within descriptors. The environmental status of marine food webs in Ireland is currently unknown.

An updated monitoring programme has been established by the Department of Housing, Local Government and Heritage, and the Marine Institute to gather and provide scientific data and information for associated assessments, to determine if our marine waters are achieving or maintaining Good Environmental Status (GES) (DHLGH, 2021). The information is also used to identify changes in the environmental quality of Ireland's maritime area over time, to track the progress in achieving environmental targets, and to examine the effectiveness of measures designed to improve environmental outcomes. The programme of measures, first developed in 2015, has also been updated (DHLGH, 2022), which established 152 measures, built on existing national, European and International policy frameworks.

The achievement of GES supports the objectives of Marine Spatial Planning (MSP) and in particular, of the National Marine Planning Framework (NMPF). The environment policies in the NMPF have been split into nine categories largely aligned to the MSFD GES descriptors including water quality with a number of water quality policies and environmental targets aligned with the MSFD GES descriptors, eutrophication and contaminants at levels not giving rise to pollution effects

(DHLGH, 2021). The assessment of the status of the marine environment and the determination of the characteristics of GES, including threshold values and environmental targets, inform decisions about how to use marine resources sustainably.

To date, the extent of achievement of GES has not been established for individual water bodies, therefore the water quality assessment undertaken in Attachment 3.5 of this MUL Material Amendment application relies on the WFD water quality assessment, including protected areas, to ensure that the proposed Marine SI works will not compromise the achievement of the objectives of the MSFD.