# 

**WAT-G-009**

**EASR Guidance:**

Version 1.0, August 2025

**Permit Activity:**

**Operation and alteration of a structure**

If you would like this document in an accessible format, such as large print, audio recording or braille, please contact SEPA by emailing [equalities@sepa.org.uk](mailto:equalities@sepa.org.uk)

# 1 Purpose

This document provides information and guidance on the operation and alteration of a structure which is subject to authorisation by SEPA under the Environmental Authorisations (Scotland) Regulations 2018, (EASR).

This guidance does not cover any other permissions that may be required.

# 2 Background

In line with SEPA’s duties under the Water Environment and Water Services (Scotland) Act 2003 (WEWS), we identify and assess barriers to fish migration. Where a man-made fish barrier exists, and there is significant suitable habitat in the catchment upstream of the identified barrier(s), work may be required to either remove or ease these barriers to facilitate the passage of fish. There is a statutory driver to address these barriers to fish migration and in line with the [River Basin Management Plan](https://www.sepa.org.uk/environment/water/river-basin-management-planning/) (RBMP) objectives set by SEPA and approved by Scottish Ministers.

# 3 What activity does this guidance apply to?

This guidance applies to the operation and alteration of ‘asset’ barriers identified under RBMP. These ‘asset’ barriers include existing engineered structures such as fords, culverts and bridge aprons which have been assessed as having a significant adverse impact on the water environment (i.e. preventing passage of fish).

Asset barriers do not include impoundments. For information on authorisation required for the operation and alteration of impoundments please see impoundment section.

# 4 Understanding the activity

It is understood that complete removal of asset barriers to rectify the issue of fish passage will not always be possible. Therefore, to meet RBMP objectives, some form of easement will be required at these existing engineered structures.

This activity includes the authorisation of the on-going operation (whether passive or not), modification and maintenance of these structures.

Any authorisation granted will contain conditions requiring the installation and maintenance of a fish pass at the structure to ensure ongoing provision of fish passage. Further information specific to fish passage design can be found in the Institute of Fisheries Management [Fish Pass Manual](https://ifm.org.uk/ifm-training/ifm-fishery-guidance/). Prior to the submission of an application an options appraisal should be undertaken to identify proposed solution.

**5 Understanding and minimising risks to the water environment**

This activity and any associated construction and temporary works, such as access and temporary crossings, can cause harm to the water environment. It is important to carefully consider your design and construction options to ensure risks to the water environment and other users are minimised.

Good practice should be followed to ensure environmental harm is minimised, design is sustainable long-term and maintenance requirements are low.

The main risks to the water environment from carrying out this activity can be grouped as follows:

* **Harm to fish** including impacts on fish migration, spawning and fry development, loss of habitat and direct impacts such as stranding or physical damage. For more information see WAT-G-032 EASR Guidance: Fish Protection.
* **Physical Impacts & Pollution:**
  + Physical impacts to the bed and banks of the watercourse which can lead to instability resulting in increased erosion or deposition, loss of habitats and increased flood risk.
  + Pollution from sedimentation, leaking oil from machinery and the entry of potentially polluting materials into water such as unset concrete.

Further information on construction works and mitigation can be found in WAT-G-034 EASR Guidance: Construction works and silt/pollution mitigation.

* **Habitats and Species Protection:**
  + Spread of invasive non-native species. Further guidance can be found in EASR-G-001 EASR Guidance: Invasive non-native species (INNS).
  + Impacts on species such as freshwater pearl mussels and otter. You should contact [NatureScot](https://www.nature.scot/) where your activity is in a Protected area or may impact a protected species. For further information see WAT-G-008 EASR Guidance: Assessment of impact on Protected areas from inland water activities.
* **Impacts to other users of the water environment.**

**Flood risk –** Designs should take into account any impact on flood risk at the structure.

These risks to the water environment will vary according to:

* The type and design of the proposed works.
* The timing of the works.
* The working methods and mitigation.
* The reinstatement methods.

**Disclaimer**

Whilst every effort has been made to ensure the accuracy of this guidance, SEPA gives no warranty, covenant or undertaking (express or implied) regarding the fitness for purpose of, or any error, omission or discrepancy in this guidance. Reliance on its contents and the contents of any websites that are linked to or from this guidance is entirely at the user’s own risk. SEPA is not liable for any loss or damage that may come from using this guidance. This includes:

* any direct, indirect and consequential losses
* any loss or damage caused by civil wrongs, breach of contract or otherwise

SEPA reserves the right to depart from this guidance and take appropriate action as it considers necessary or appropriate. Operators are responsible for ensuring that they are compliant with the law. If necessary, independent legal / specialist advice should be sought.