

BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JANUARY 2016

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
May 2014	Woodlands Composting Centre, Whitesmith	Breach of Conditions (noise and odour)	<p>A complaint was received that breaches of the conditions attached to the planning permission for the composting facility were occurring, specifically in relation to permitted noise and odour levels. A site visit was undertaken, which did not identify any odours, and contact was made with both the complainant and operator. The operator commissioned a noise survey for the site and monitored the site to identify the source of any odour, as well as liaising directly with the complainant.</p> <p>The operators have undertaken works to reduce potential noise, such as installing noise attenuation cowls, and have also reduced the revolution speed of the extractor fans.</p> <p>Further monitoring has taken place and at no time has the noise or odour subject to the complaint been identified. The operator is continuing to work with the complainant to attempt to identify the source of the noise and odour. As this matter has been ongoing for nearly 3 years and no actual noise or odour issue has been identified there appears to be no breach of the conditions attached to the planning permissions which relates to the site. Therefore, no further enforcement action is currently required. The site will be monitored as part of the Council's Site Monitoring Policy and, should any noise/odour be identified which breach the conditions which relate to the site then the matter will be re-examined.</p>
May 2015	Upper Wilting Farm, Crowhurst Road, St Leonards	Importation and deposit of waste	<p>Officers attending the area in connection with another matter noticed that a significant quantity of waste, comprising hardcore, had again been imported into and deposited at the site. A site visit was undertaken, during the course of which a meeting was held with the site operator/tenant farmer. The planning implications of such an activity were explained to him and he agreed to cease the importation of this material and to remove the waste that has already been imported into the site. A timescale was agreed for the site to be cleared.</p> <p>A further site visit has now been undertaken, which noted that the hardcore has been removed from the site. Breach of planning control resolved and no further action required.</p>
November 2015	PJG Skips, Burwash Road, Heathfield	Unauthorised waste transfer station	<p>A complaint was received that skips were being imported into the site, their contents deposited and sorted, before being bulked up and removed. A joint site meeting with the Environment Agency and the operator was held. The operator stated that he had decided to cease the operation at the site for financial reasons and would be clearing the site of the imported waste. A timescale for the clearance of the site was agreed.</p> <p>The site has been subject to further visits by officers from both the Environment Agency and this Authority. The operator has removed all the waste that had been imported and the site has been restored to its original condition. Breach of planning control resolved and no further enforcement action required.</p>

November 2015	Five Badgers, Stonehurst Lane, Five Ashes	Importation, deposit and storage of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, the outcome of which did not confirm the substance of the complaint. Discussions with Wealden District Council confirmed that formal enforcement action has been taken in relation to a number of breaches of planning control at the site, but that there was no evidence of any waste related breaches.</p> <p>Further site visits have been undertaken, which did not identify that any waste had been imported into the site. No breach of planning control and no further action required.</p>
December 2015	Greenacre Recycling, Titan Marine Site, New Road, Newhaven	Unauthorised development, (Waste Transfer Station)	<p>A planning application (LW/767/CM) was submitted for the use of this site as a waste transfer station. However, prior to the determination of the planning application, a complaint was received that the operator was using the site without the necessary planning permission being in place. A site visit was undertaken and discussions held with the operator, who stated that he was using the site for the storage of empty skips and equipment which he believed was in accordance with the current permitted use class on the site. No waste was being processed at the site and the vehicles and skips in the site were empty. Whilst no breach of planning control was identified, the site was monitored pending the determination of the planning application.</p> <p>The planning permission for application LW/767/CM was granted by Planning Committee on 12 February 2016. No further enforcement action required and the site will be monitored as part of the Council's Site Monitoring Policy.</p>

NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2016 AND RESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2016	Land to the South of Cart Lodge, Stonehurst Lane, Hadlow Down	Importation and deposit of waste	<p>A complaint was received from Wealden District Council Planning Enforcement that waste had been imported into the site and deposited there. A site visit was carried out and it was noted that a small quantity of waste had been imported into the site and used to create an area of hardstanding. Discussions were held with officers from Wealden District Council, who confirmed that it had already been decided to take formal enforcement action using a Section 215 Notice (untidy land). Given the very small quantity of imported waste, the District Council has confirmed that the S215 Notice will include the waste materials imported to the site. No further action required by this Authority.</p>
January 2016	Unit 10, Granary Business Centre, Broad Farm, North Street, Hellingly	Unauthorised development	<p>A complaint was received that an operator had moved into this site and had commenced the breaking up of end of life motor vehicles. A site visit was undertaken and also a meeting held with the operator, in which various options were discussed including the requirement for specific planning permission. After considering these options the operator decided to cease the operation and clear the end of life vehicles from the site and vacate it.</p> <p>A further site visit has been undertaken which confirmed that the site has been cleared of all the imported waste and the operator has vacated the site. Breach of planning control resolved and no further action required.</p>
January 2016	Land to north of Unit 10, Granary Business Centre, Broad Farm, North Street, Hellingly	Breach of Condition (storage of waste)	<p>Whilst officers were attending the site listed in the entry above, they noticed that this site did not appear to be in accordance with the conditions that are attached to the planning permission that relates to the site. A meeting was held with the operator who agreed that, because of illness, standards at the site had slipped and the site was not in compliance with the conditions attached to the planning permission. A timescale in which to return the site into compliance was agreed.</p>

			A further site visit has been undertaken, which confirmed that the site is now operating in compliance with the conditions attached to the planning permission. Breach of planning control resolved and no further enforcement action required. The site will be monitored as part of the Council's Site Monitoring Policy.
January 2016	Strawberry Hill Farm, Eridge Road, Tunbridge Wells	Importation, deposit and storage of waste	<p>A complaint was received that waste was being imported into and deposited at this site. A site visit was undertaken and during the course of the site visit a meeting was held with the operator, who explained that the waste materials being imported into the site were generated from his groundworks business. The operator screens any soils out of the hardcore and then recycles the hardcore into other groundworks operations. The planning implications were explained to the operator, who considered the options available and requested some time in order to clear the site and restore it. A short timescale was agreed and after the expiry of this time period a further site visit was undertaken.</p> <p>The site has been cleared of waste materials and restored to its original condition. Breach of planning control resolved and no further action required.</p>
January 2016	Land to the west of Keepers Cottage, Holtye Road, Holtye	Importation and deposit of waste	A complaint was received that waste materials were being imported into and deposited at the site. A joint site visit with an officer from Wealden District Council was undertaken, and a meeting with the tenants was held. The tenants stated that the hardcore was being imported into the site to maintain/repair the existing track in order to improve it for their horses. The nature of the works being undertaken exceeded their permitted development rights and a planning application was also considered to be required for the change of use of land from agricultural to a mixed use of agricultural/horsiculture. Wealden District Council has invited the tenants to submit a planning application to encompass both the change of use and the works to improve the track. No further action required by this Authority, as Waste Planning Authority.
January 2016	Disused railway line to north of Anchor Lane, Barcombe	Importation, deposit and storage of waste	A complaint was received that waste was being imported into and deposited on the route of the disused Lewes/Uckfield railway line. A joint site visit with an officer from the Environment Agency was undertaken, which noted that the materials being stored on the land were planks of wood sawn from tree trunks intended for use in treehouses/summerhouses. The materials were clearly not considered to be waste and therefore not an issue for this Authority as Waste Planning Authority. The matter has been referred to Lewes District Council for their information/action as appropriate and no further action is required by this Authority.
January 2016	Peacehaven Heights Junior School, Hoddern Avenue, Peacehaven	Breach of Condition (hours)	A complaint was received that the School's swimming pool was being used outside the hours permitted by its planning permission (LW/3214/CC) and also that groups other than the School's pupils were using the swimming pool, which it was alleged was a further breach of conditions. Following enquiries made, it transpired that the School had not implemented the planning permission mentioned by the complainant, but had in fact implemented an older permission (LW/3124/CC) which did not have any restrictive conditions relating to permitted hours of use or limiting who was able to use the pool. Therefore, no breach of planning control and no further action required.
February 2016	Lewhurst Farm, North Corner, Hellingly	Importation and deposit of waste materials	A complaint was received that waste materials were being imported into and deposited at the site. A joint site visit with officers from Wealden District Council was undertaken and a meeting held with the tenants. The hardcore was being imported into the site to maintain/repair an existing track and also to provide a firm base for some wooden stables. The nature of the works being undertaken are considered to exceed permitted development rights and a planning application is required for these, and other, works being undertaken on the farm. Wealden District Council has invited a planning application to be submitted to encompass the works undertaken and proposed. No further action required by this Authority.

March 2016	Telscombe Cliffs School, Telscombe	Breach of Conditions (working outside permitted hours)	A complaint was received that work had been undertaken at the site on a Sunday which is prohibited by Condition 3 of planning permission LW/3224/CC which relates to the site. A site visit was undertaken and discussions held with the site manager, who stated that no works had been undertaken on the Sunday in question and the log book for the site was provided. The log book shows all people entering the site, a requirement for insurance purposes, and no entries were shown for the day in question. No breach of planning control identified and no further action required.
March 2016	Little Thorne, Ninfield Road, Bexhill	Importation and deposit/storage of end of life vehicles	A complaint was received that end of life vehicles had been imported into the site and deposited. A site visit was undertaken, which did not identify any end of life vehicles on the site. A discussion was held with the landowner/operator who denied that any vehicles had been imported into the site. The complainant further contacted the Council to state that the vehicles had been removed from the site prior to the site visit by officers. No breach of planning control identified but the site will be monitored by officers on an ad-hoc basis to ensure end of life vehicles are not brought onto the site.
March 2016	Heathfield Park, Heathfield	Importation, deposit and storage of waste	A complaint was received that waste, comprising concrete, hardcore, concrete blocks and road planings had been imported into, deposited and stored at the site. An initial site visit was carried out which appeared to confirmed the substance of the complaint. However, following contact with the landowner, it transpires that the materials seen on site have been generated from conversion works to a block of stables within the site, and no waste materials have been imported. No breach of planning control and no further action for this Authority.

NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2016 AND UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
January 2016	Bexhill to Hastings Link Road (Combe Valley Way) - Decoy Overbridge	Breach of Condition (Noise)	A complaint was received that excessive noise is being generated from the Link Road now that it is open to traffic. The complainant also raised concerns that vehicles using the Link Road were visible from distant views. The location of the relevant acoustic barriers has been checked and it is considered that they have been constructed in accordance with the approved drawings. Noise monitoring for a period of one week has been commissioned in order to check that the noise levels at this location are in accordance with the predicted levels. The "as built" earth embankments are also being checked against the approved drawings.
January 2016	Fir Tree View, Lewes Road, Halland	Unauthorised development	A complaint was received that waste was being imported into the site and deposited. A joint site visit was undertaken with an officer from the Environment Agency, during the course of which a meeting was also held with the landowner. The landowner stated that he had been on the site for twenty three years and felt that he was entitled to do what he wanted on the land. Enquires with Wealden District Council are being undertaken and a Planning Contravention Notice was served on the landowner to ascertain the planning status/situation regarding the site and the nature of the activities taking place. Following the service of the Planning Contravention Notice, a "Time and Place" meeting was held with the landowner and the matter is under further consideration.
January 2016	Unit 3b, Croft Works, Diplocks Way, Hailsham	Unauthorised development	Officers received information that the operator was setting up a scrap metal dealing operation at this site. Officers from this authority undertook a site visit during the course of which a meeting was held with the operator. The operator explained that he had not commenced his waste operation at the site, but when he did it would be for the

			recycling of metals from Waste Electrical and Electronic Equipment (WEEE). The operator was advised that specific planning permission for this activity was required and a timescale for the submission of a planning application has been given.
February 2016	187 London Road, Hailsham	Breach of requirements of Enforcement Notice	<p>An Enforcement Notice was served on the joint landowners of the site in December 2014, which required all scrap metal and other waste, including end of life vehicles to be removed from the site. Since the Notice became effective in January 2015 officers have undertaken regular monitoring visits to ensure that the site was in compliance with the requirements of the Enforcement Notice. A site visit was undertaken in February 2016 which showed that an end of life vehicle had been parked within the area covered by the Enforcement Notice and filled with waste. A letter was sent to the landowners advising them of the breach of the Enforcement Notice and giving a timescale for the removal of the end of life vehicle and waste. A further site visit has confirmed that this has not been done and there continues to be a breach of the requirements of the Enforcement Notice, which is an offence.</p> <p>Therefore, the Council is currently in the process of summoning the landowners to Court for non compliance with the requirements of the Enforcement Notice.</p>
March 2016	Land at Wellbrook Hill, Mayfield	Importation and deposit of waste	A complaint was received alleging that waste materials had been imported, deposited and disposed of at the site. A site visit has been undertaken which confirmed the substance of the complaint. The site is not registered with the Land Registry and further enquiries are currently taking place in order to trace the owners of the site and the persons responsible for the importation and deposit of waste.
March 2016	4 Faversham Road, Eastbourne	Importation, deposit and storage of waste	A complaint was received that waste materials had been imported into the site. A joint site visit with the Environment Agency has been undertaken, which confirmed the nature of the complaint. Initial contact has been made with the landowner and a further joint site meeting has been arranged.

OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
June 2012	Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>This site was noticed by officers visiting the area in connection with another matter. A local operator was approached, who admitted being responsible for importing some of the material on the site. A timescale to remove the material was agreed. However, the operator subsequently passed away. The deceased operator's brother took over the site and has been clearing the site of the waste imported by his brother. Given the circumstances surrounding this matter, the time period for him to clear the site has been extended on several occasions. Contact has also been maintained with the landowner, who has been continuing with the process of arranging for the removal of the imported waste materials.</p> <p>Insufficient progress has been made in clearing the site of the waste materials. Given the length of time this matter has been outstanding and the additional waste materials imported to the site, it has been considered appropriate to take formal enforcement action.</p>

			<p>Consequently, an Enforcement Notice was served on the landowner, and other interested parties, on 2 February 2016. No appeals were made against the Enforcement Notice and it became effective on 4 March 2016. The landowner has until 4 June 2016 to clear the site of the imported waste materials in order to comply with the requirements of the Enforcement Notice.</p> <p><i>Note - This action is separate to the later entry (Sussex Waste Services) in this section, however it is the same landowner.</i></p>
April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the School had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the School pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers.</p> <p>The submission of a planning application to regularise the works to the car park and other development was then delayed due to the need for the land swap to be completed. The land swap has now been finalised and the neighbour's new access has been constructed.</p> <p>The School and the Council's Business Services Department have both been contacted and, to date, no planning application has been submitted to regularise this breach of planning control. There have been reminders sent and if this remains unresolved consideration will be given to instituting formal enforcement proceedings in order to regularise the breach of planning control.</p>
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	<p>Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it is his intention to clear the site of the imported waste.</p> <p>Officers, in conjunction with officers from the Environment Agency, have continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner commenced the phased removal of the waste from the site. Some waste was removed and there was initially no indication that further waste materials had been imported to the site.</p> <p>Clearance of the waste materials had been continuing. However, the landowner suffered a period of ill health and was unable to work. Joint site visits with the Environment Agency continued to ensure no further waste materials are being imported to the site.</p> <p>Further site visits noted that there appeared to have been fresh importation of waste into the site and also burning</p>

			<p>of waste. Following consultation with the Council's Legal Services Team and liaison with the Environment Agency, it is considered appropriate to serve an Enforcement Notice on the landowners. An Enforcement Notice is therefore in the process of being prepared and will be served on the landowners and other interested parties.</p>
May 2014	Brook Lodge Farm, Pottery Lane, Brede	Importation, deposit and processing of waste (hardcore)	<p>A complaint was received that waste materials, comprising hardcore and bricks, were being imported into the site and processed. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted and he explained that the hardcore and bricks were generated from his demolition business and some of the hardcore was required to repair the tracks and gateways on the farm, and the remainder was sold. The landowner agreed to cease this activity on the site and a timescale for the clearance of the site was agreed.</p> <p>However, the site was not cleared within the agreed timescale and the landowner subsequently claimed that the activity had been taking place on the site for so long as to be immune from planning enforcement action. In order to ascertain whether a breach of planning control has actually occurred, the landowners were served with Planning Contravention Notices. The landowner attended a "Time and Place" meeting in connection with the Planning Contravention Notice and also submitted a written response to the Notice (failure to do so is an offence). The landowner contended that the activity had been taking place on the site for many years, certainly in excess of ten and was therefore immune from planning enforcement action.</p> <p>The landowner submitted an application for a Certificate of Lawfulness (RR/770/CMCL), which was subsequently refused under delegated powers on 22 February 2016. The operator is now considering his options and officers have indicated that there may be merit in having pre-application discussions regarding the submission of a planning application for a small scale operation/use at the site.</p>
August 2014	Harbour Primary School, Newhaven	Development not in accordance with approved plans	<p>A complaint was received that the temporary classrooms building erected at the site were not in accordance with the approved plans. Site inspections have been carried out, which indicate that the classrooms have been constructed in the correct location. An independent survey has been carried out to confirm the situation and the results indicate that the development has been built in the correct location within the site, although it appears that they do not fully conform to the approved plans. The applicant is to be requested to submit amended plans for consideration.</p>
September 2014	Stonehouse Farm, Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site, before being buried. Contact was made with the landowner who stated that the importation of materials was in relation to a planning permission granted by this Authority in 2004 and that the works were all in accordance with that permission.</p> <p>A site meeting was held with the landowners. The works that have been undertaken (and that are required to complete the development) are in excess of the original permission, and therefore in breach of planning control. A planning application (WD/769/CM) to regularise the works and allow for the further importation of materials was submitted and subsequently refused by the Planning Committee on 9 March 2016. No further materials can now be imported to the site and the landowner has been advised that the area of previously deposited materials should be graded out. The site will be monitored.</p>
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	<p>A complaint was received that waste wood processing was not taking place in the area approved and that the site was exceeding the total quantity of waste that was permitted to be imported into the site (the permitted volume of waste is limited to 50,000 tonnes/annum). Discussions were held with the Manager of the site, who stated that the area for the waste wood processing had been moved to a different part of the site for health and safety reasons.</p>

			<p>Figures provided for the volume of imported material showed that in the last year, nearly 54,000 tonnes of waste material had been imported to the site, some 4,000 tonnes above the permitted level.</p> <p>A planning application was submitted relating to altering the location of the wood waste processing and amending the limitation on the quantity of waste materials, but was not valid due to further information being required. A meeting with local residents was held to discuss their concerns regarding activities at the site, and further discussions with the operator have been ongoing.</p> <p>The operator has recently advised that an application will be submitted shortly, once final drawings have been completed.</p>
April 2015	Sussex Waste Services, Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>Officers were visiting the site in connection with another matter and noticed that a significant quantity of waste materials comprising builders waste, electrical and electronic waste, scrap metal and end of life vehicles had been deposited on the site. Given the history of this site it was decided that formal enforcement action should be taken.</p> <p>Consequently, an Enforcement Notice was served on the landowner of this site, and other interested parties, on 2 February 2016. No appeals were made against the Notice and it took effect on 4 March 2016. The landowner has until 4 June 2016 to clear the site of the imported waste materials in order to comply with the requirements of the Notice.</p> <p><i>Note - This action is separate to the earlier entry (Endeavour Works) in this section, however it is the same landowner.</i></p>
July 2015	JM Skips, Brett Drive, Bexhill-on-Sea	Breach of Conditions (numerous)	<p>A site monitoring visit was undertaken by officers and during the course of this visit a number of breaches of the conditions attached to the planning permission were noted. A meeting was held with the operator, who agreed to search for a new, more suitable site and to cease the use of this site by the end of October 2015.</p> <p>A further meeting was held with the operator, who explained that he did not initially wish to progress matters at the existing site because he only held a very short term lease for the site. However, a new lease has now been signed and the operator now wishes to completely alter the way the site is being operated.</p> <p>A draft planning application has now been submitted and a response on this draft application has been provided to the operator's planning agent. In the meantime, the site will continue to be monitored.</p>
July 2015	Bramley Farm, Bay Tree Lane, Polegate	Importation and deposit of waste materials	<p>A complaint was received that waste materials had been imported into the site. A site visit was undertaken which confirmed the substance of the complaint. The landowner was contacted and requested to cease any further importation into this site until after a site meeting was undertaken and the matter discussed/resolved.</p> <p>Further contact was made with the landowner, who confirmed that the materials are to be used on agricultural tracks within the farm. A written timescale for the works to be undertaken and completed was requested, and subsequently provided. The programme of works has been agreed and the site will be monitored to ensure the materials are used and no further waste is imported to the site.</p> <p>The site has continued to be monitored by officers and no further waste appears to have been imported to the site. However, it has not been possible for the operator to undertake any works on the site due to the wet weather and, therefore, the materials have not yet been used. The site will continue to be monitored.</p>

July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a Director of the company, and the County Council supported this prosecution and gave evidence in Court. The Director of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood has remained on the site and, in order to protect the County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood.</p> <p>An Enforcement Notice was served on the landowners and interested parties on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Given the circumstances of this particular case, a suitable period of time for the clearance of the site has been given (until 4 March 2018) and officers are maintaining contact with the landowners to facilitate the removal/clearance of the waste wood from the site.</p>
October 2015	Westwood Waste Services, Quarry Road, Newhaven	Importation, deposit, storage and bulking up of waste	<p>A complaint was received that waste materials and end of life vehicles were being imported into and deposited at the site. A joint site visit with an officer from the Environment Agency was undertaken, which confirmed the substance of the complaint. A further joint site meeting with the Environment Agency and the operator has been undertaken and discussions held regarding the unauthorised activities at the site. A timescale for either the submission of a planning application to regularise the activity at the site, or the cessation of operations and the clearance of the site, has been agreed and the site is being monitored.</p>