

Guidance for applicants

H5

Environmental Permitting Regulations

**Site condition report – guidance and
templates**

Site Condition Reports

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Record of changes

Version	Date	Change
080328	28/03/08	Issued for launch of EPR
2.0	4/08/08	Updated to cover existing sites and low risk surrender
3.0	May 2013	Updated for the Industrial Emissions Directive (IED) - changes introduced by EPR amendment SI 2013 No. 390

1.0 GUIDANCE

In principle, a site condition report (SCR) is required for any facility we regulate under the Environmental Permitting Regulations where there may be a significant risk to land or groundwater including where one is necessary to satisfy requirements of the Industrial Emissions Directive (IED). So this applies to both new applications and existing operations.

The detail of when an SCR is necessary for new applications can be found in guidance to Part A of our application form¹ and the wider position for new and existing sites is set out in our regulatory guidance note RGN 9 – “Showing that land and groundwater are protected at; installations, waste facilities, mining waste operations and non-nuclear radioactive substances facilities”.

This document will help you prepare and maintain an SCR over the lifetime of a site.

The SCR is not applicable to those parts of a permitted landfill that have permanent deposits of waste, and to mobile plant.

2.0 WHAT IS A SITE CONDITION REPORT?

An SCR describes and records the condition of the land and groundwater at a site at particular points in time. It will enable you to demonstrate that you have protected land and groundwater during the lifetime of the site and that the land is in a satisfactory state when you come to surrender your permit. You can demonstrate this by:

- Producing the application part of the SCR when you first apply for an environmental permit. For installations subject to the IED this will satisfy the requirements to provide a “baseline report”.
- Updating the SCR during the lifetime of your permit as appropriate.
- Completing the surrender parts and submitting the fully completed SCR when you apply to surrender your environmental permit. In the last part of the SCR, you will describe what condition the land and groundwater are in at the time of surrender. If the land and groundwater are not in a satisfactory state, we will not accept your application to surrender your environmental permit.

Why do you need to produce a Site Condition Report?

It is in your own interest as an operator to produce a site condition report. An alternative approach would be for you to assume that the site is completely uncontaminated, irrespective of its previous history, but that would mean that any contamination by substances used at, produced or released from the installation that is discovered when you applied to surrender your permit would be considered to have resulted from your operation of your installation. You would then potentially be liable for remediation work, and would be unable to surrender your permit until you had completed it satisfactorily.

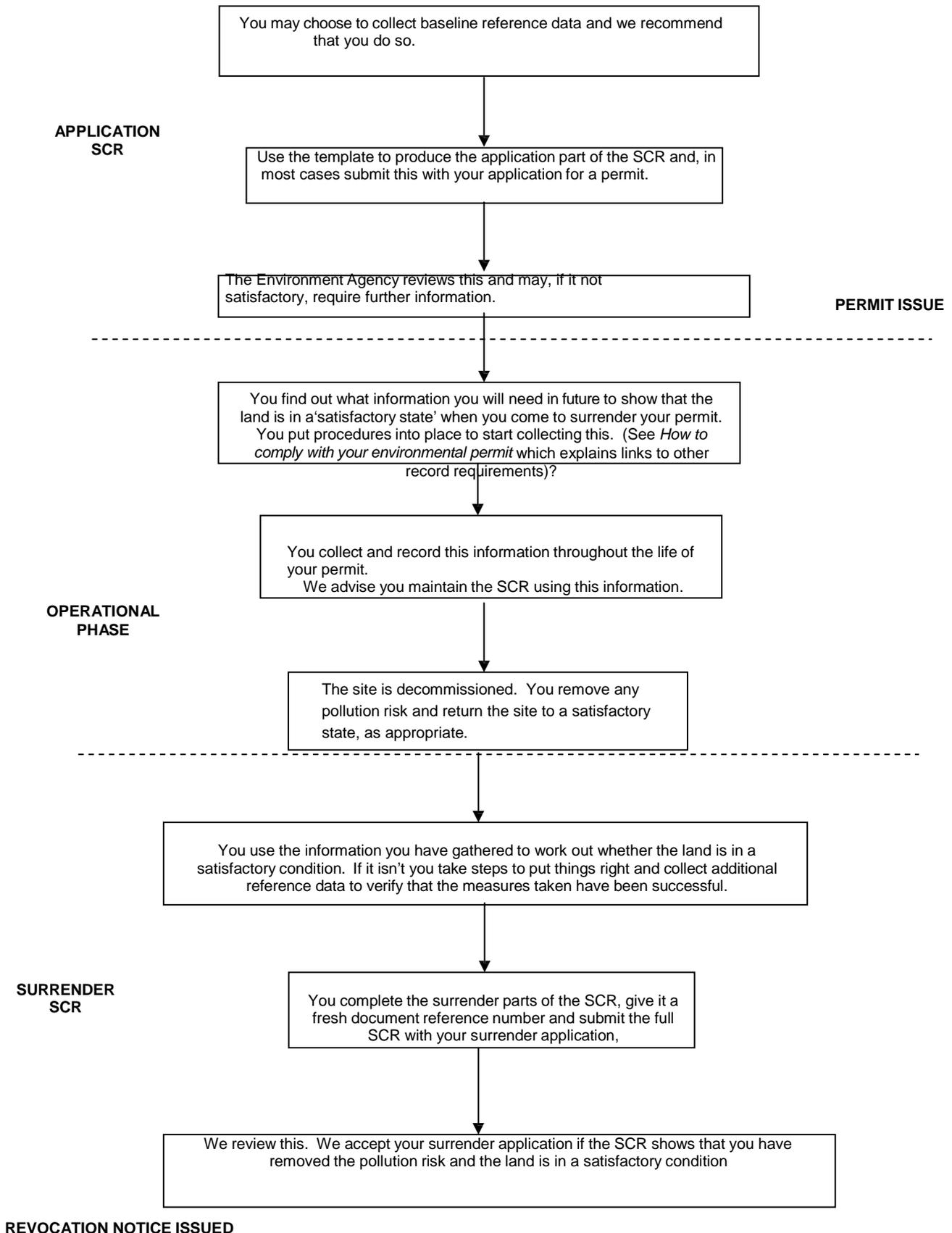
You therefore need a point of reference at the start of operations or at the time the permit is issued so that when you want to surrender the permit you can demonstrate whether there has been any contamination of the site due to your operations, and ensure that the condition of the land and groundwater are in a “satisfactory state” when you apply to surrender the permit.

If your original permit was issued under earlier regulatory regimes and then it became an environmental permit, you may not have prepared an SCR at the time of application, in which case you will need to prepare one as soon as possible during the operational phase. (See RGN 9).

¹ An explanation of the types of permit available and a range of guidance is provided on our web site at www.environment-agency.gov.uk/epr.

What are the stages in the SCR process?

Here is an outline: (for more detail see Regulatory Guidance Note 9)



3.0 APPLICATION SCR

The application part of the SCR describes the condition of the land and groundwater at the point at which you apply for an environmental permit. To produce an application SCR you should complete the attached template. The red text in the boxes tells you what sort of information to include. Replace the red text with your own. The template also lists the supporting information you will need to supply. If you have already given us the information in your application, then you can simply provide the specific document references. **Note: it will be important that you keep these reference documents readily available, as you will need to refer to them through the life of the permit and at surrender.**

The amount of detail we want you to give will depend on the type of activity and its environmental setting. You are required to produce an environmental risk assessment to support your permit application (see Part 1 of our guidance on *Environmental risk assessment – H1*). In this risk assessment, you must have identified all the hazards from the operation of your activities and everything that could potentially be affected by those hazards (including the land and groundwater). In particular, you must list all the potential fugitive emissions (those not from a point source such as a pipe or chimney) to land (see section 1.3 of H1) and you must list the potential accident hazards (see section 1.4 of H1 and the “general management –accidents and incidents” section ‘*How to comply with your environmental permit*’ for further guidance on accident hazards).

You must consider the land use and pollution history of your site. You may find that the land and groundwater could already be contaminated with the same substances which could be emitted from your activities in future (as identified in your H1 risk assessment).

Where these circumstances exist, and you have identified in your risk assessment a pathway by which these substances could theoretically reach the land and groundwater as a result of your operations, we recommend that you take samples of soil or groundwater and measure levels of contamination, in order to provide baseline data characterising the site. If you don’t collect this information then, when you apply to surrender your permit we may have to consider that any contamination found was caused during the lifetime of the permit and require you to undertake remediation.

Unless you are able to provide evidence of the degree of pre-existing contamination, we will have to assume that it was zero, which could have serious consequences for you.

Even if existing contamination does not involve substances which could have been emitted from your activities, you will need to be able to demonstrate this. That may not be difficult in practice, but you should consider this carefully before submitting your SCR, to avoid any unnecessary difficulties with later permit surrender.

Where any existing contamination involves substances which could be emitted by your activities, you will be legally responsible for addressing contamination before we will accept your permit surrender application, unless you have quantified the level of pre-existing contamination and can demonstrate that you have not added to it.

The IED requires¹ that the operator of any IED installation using, producing or releasing “relevant hazardous substances” (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a “baseline report” with its permit application. The application part of the SCR will fulfil this requirement. The definition of IED installations includes EPR Part A(1) and Part A(2) installations and EPR solvent emission activities (most of which are regulated by local authorities). That report must enable a quantified comparison to be made between the baseline and the state of the site at surrender. We will not require all operators using RHS to carry out intrusive investigations to provide baseline data for their application SCR. It is for the operator to assess the risks involved and to decide if they need to

¹ Article 22(2)

carry out intrusive investigation. For example, on greenfield sites the operator may decide that the risk of existing contamination is too low to justify the expense of intrusive investigations. However applicants whose activities involve using, producing or releasing RHS must recognise that if they choose not to carry out intrusive investigations, we will assume the baseline level of contamination to be zero, because the IED requires quantification. Where there is any doubt, we advise that applicants obtain sufficient evidence of pre-existing contamination to facilitate a simple determination at the point of surrender.

3.1 For new installations subject to the IED.

These are installations carrying out any of the activities listed in Part 2 of Schedule 1 to the EPR 2010 (including as amended in 2013 to transpose the IED²) for which an application was submitted after 7 January 2013.

If your proposed activity involves the use, production or release of RHS you must submit baseline data as part of your application SCR. We recommend that you to carry out baseline monitoring of groundwater and soil and submit these results in your report. Alternatively you could use good quality existing data, if it is available. This will quantify the levels of pollutants present prior to you starting operation, which you will compare to the levels you find when you cease carrying out the activity and wish to surrender your permit. However, if you choose not to submit any monitoring data you will be accepting that there is zero pre-existing contamination and accepting the risk that you may be required to clean up any pre-existing contamination when you surrender your permit.

Although only applicants who propose to use, produce or release RHS are subject to this explicit requirement, all operators must, before they are allowed to surrender their permits, remove **any pollution risk resulting from the operation of the installation**, and return their site to a satisfactory state³. Operators therefore need to think beyond RHS and consider all pollution risks that will be present at surrender.

We will normally include in your permit a condition requiring you to carry out periodic monitoring of groundwater at least once every five years and soil at least once every ten years. Your application should contain proposals for carrying out this monitoring, for example the locations, sampling methods and substances that you intend to monitor. However, if you believe we should not require periodic monitoring of groundwater and soil as a condition in your permit you should justify this as part of your environmental risk assessment in terms of a systematic appraisal of the risk of contamination⁴. We will expect you to review this justification during the life of the permit.

If you intend to submit an application without baseline monitoring data or you want a permit without a requirement for periodic monitoring of groundwater and soil then we recommend you discuss this with us before you send us your application.

3.2 For existing IPPC installations that become IED installations

These are installations carrying out any of the activities listed in Part 2 of Schedule 1 to the EPR 2010 that were already operating, or had submitted a permit application, before 7 January 2013,

If your activity involves the use, production or release of relevant hazardous substances you must submit baseline data within an SCR, before we update your permit. We recommend that you carry out monitoring of groundwater and soil and submit these results in your report. Alternatively you could use good quality existing data, if it is available. This will quantify the levels of pollutants present which you will compare to the levels you find when you cease carrying out the activity and wish to surrender your permit. However, if you choose not to

² Statutory Instrument 2013 No. 390

³ Paragraph 14(1) of Part 1 of Schedule 5 to the EPR 2010

⁴ Article 16(2) IED

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submit any monitoring data you should provide a justification for not doing so in your report. In this case you will be accepting the risk that you may be required to clean up pre-existing contamination when you surrender your permit.

If you intend to make a substantial change in your operations, you should send us baseline data within an SCR as part of your application for a variation to your permit. We will not require you to submit baseline data if you want to update your permit for reasons that do not constitute a substantial change, for example if you want to add a minor emission point to air. See our guidance note RGN 8 for the interpretation of “substantial change”.

We could decide to update your permit at any time and require you to provide baseline data as part of that update. However, in practice, the main reason for updating permits during the period 2012 to 2020 will be to give effect to BAT conclusions published by the European Commission and that will trigger the requirement for you to produce an SCR containing baseline data.

When we require you to produce an SCR containing baseline data we will either:

- Send you a notice requiring you to send us baseline data within an SCR which we can assess when we update your permit. We recognise that this approach will only work if our notice gives you sufficient time to obtain the required data - which in practice means at least a few months; or
- Issue a variation to the permit with an improvement condition requiring you to send us a baseline data within an SCR by a specified date. We will use this approach when there is insufficient time available for you to obtain the baseline data before we need to issue the permit.

We will normally include in the variation to your permit a condition requiring you to carry out periodic monitoring of groundwater at least once every five years and soil at least once every ten years. However, if you believe we should not require periodic monitoring of groundwater and soil as a condition in your permit you should justify this as part of your environmental risk assessment in terms of a systematic appraisal of the risk of contamination⁵. We will expect you to review this justification during the life of the permit.

If you intend to not to send us baseline monitoring data or you want a permit without a requirement for periodic monitoring of groundwater and soil then we recommend you discuss this with us at the earliest opportunity.

3.3 For existing activities, that are not IPPC installations and become IED installations

These are sites that:

- were already operating before January 2013; and
- were not an IPPC installation; and
- which are an installation for IED purposes.

These installations become subject to the requirement for an IED permit from 7 July 2015.

If your proposed activity involves the use, production or release of relevant hazardous substances you must submit baseline data within an SCR the first time that your permit is updated after 7 July 2015. We recommend that you to carry out baseline monitoring of groundwater and soil and submit these results in your report. Alternatively you could use good quality existing data, if it is available. This will quantify the levels of pollutants present prior to you starting operation, which you will compare to the levels you find when you cease carrying out the activity and wish to surrender your permit. However, if you choose not to submit any monitoring data you should provide a justification for not doing so in your report. In this case you will be accepting the risk that you may be required to clean up pre-existing contamination when you surrender your permit.

If you intend to make a substantial change in your operations, you should send us baseline data within an SCR as part of your application for a variation to your permit. We will not

⁵ Article 16(2) IED

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require you to submit baseline data if you want to update your permit for reasons that do not constitute a substantial change, for example if you want to add a minor emission point to air. See our guidance note RGN 8 for the interpretation of “substantial change”.

We could decide to update your permit at any time and require you to produce baseline data as part of that update. However, in practice, the main reason for updating permits during the period 2012 to 2020 will be to give effect to BAT conclusions published by the European Commission and that will trigger the requirement for you to produce a baseline report.

When we require you to produce a baseline report we will either:

- Send you a notice requiring you to send us baseline data within a SCR which we can assess when we update your permit. We recognise that this approach will only work if our notice gives you sufficient time to obtain the required data - which in practice means at least a few months; or
- Issue a variation to the permit with an improvement condition requiring you to send us baseline data within an SCR by a specified date. We will use this approach when there is insufficient time available for you to obtain the baseline data before we need to issue the permit.

We will normally include in the variation to your permit a condition requiring you to carry out periodic monitoring of groundwater at least once every five years and soil at least once every ten years. However, if you believe we should not require periodic monitoring of groundwater and soil as a condition in your permit you should provide us with a justification for this.

If you intend to not to send us baseline monitoring data or you want a permit without a requirement for periodic monitoring of groundwater and soil then we recommend you discuss this with us at the earliest opportunity.

3.4 For activities that are not IED installations,

We think that you should take samples of soil or groundwater and measure levels of contamination where:

- there is evidence that there is, or could be existing contamination; and
- your environmental risk assessment has identified that your operations may give rise to emissions involving the same contaminants; and
- there is a possible pathway by which such contaminants can be released to land or groundwater.

We think that it may not be essential to take samples of soil or groundwater and measure levels of contamination where:

- your environmental risk assessment identifies no hazards to land or groundwater; or
- where your environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historical contamination by those substances that present the hazard; or
- where your environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historical contamination by those substances that pose the hazard.

If you are applying for a standard rules permit for a waste operation which is not an installation under the IED, you are not required to produce a site-specific risk assessment and submit it to us as part of your application. However for the reasons set out above you are recommended to consider the land use and pollution history of your site, carry out a risk assessment and decide whether you should take samples of soil or groundwater for inclusion within the SCR.

Where sampling is to be undertaken, you will need to decide whether you need to sample the groundwater as well as the soil. You should use your environmental risk assessment to decide this, based on the sensitivity of the groundwater and the pathway from your site to the groundwater.

When you take samples of soil or groundwater and measure levels of contamination, you need to comply with the requirements of our policy document [307_03 Chemical test data on contaminated soils – qualification requirements](#).

4.0 THE OPERATIONAL PHASE

When you apply for your permit, you should set out how you will ensure that land and groundwater are protected and will be left in a satisfactory condition. You then need to collect and record this information throughout the life of the permit. Many of these records are required by the permit conditions/rules.

The information needed will vary from site to site, but it will need to show that the measures you took to protect the land and groundwater have worked. It needs to show how you investigated and sorted out any pollution incidents that may have affected the land or groundwater.

If you did not prepare a SCR as part of the application for your permit then one should be prepared as soon as practicable during the operational phase of the site.

4.1 For installations subject to the IED, we will normally include in your permit a condition requiring you to carry out periodic monitoring of groundwater at least once every five years and soil at least once every ten years. For new installations this condition will be included in your permit when it is first issued. For existing IPPC installations that become IED installations this condition will be included in your permit when it is first updated after 7 January 2014. For existing activities, that are not IPPC installations and become IED installations this condition will be included in your permit when it is first updated after 7 July 2015.

4.2 For activities that are not IED installations, you may also decide to monitor the quality of the soil, gas and/or water during the life of the permit. If these show that the site's condition has deteriorated, you will need to investigate and remedy this.

When the site has been decommissioned and pollution risks removed, you will need to show that this process itself has not polluted the land and groundwater. If it has, you will need to show how you investigated and resolved the problem.

All of this information will be relevant at surrender. Therefore, you must keep your records up to date. We advise you to maintain your SCR, with links to the various application documents and operational records, as this will make it easier at surrender.

5.0 SURRENDER SCR

The surrender part of the SCR describes the condition of the land and groundwater at the point at which you apply to surrender your environmental permit. It must provide the evidence necessary to convince us that your site does not pose a pollution risk and is in a satisfactory state.

To produce a surrender SCR you should complete the attached template. It should contain statements that summarise the information you recorded during the life of the permit. Provide supporting information as an Appendix. If you've already given us this information, cross-reference it in the surrender SCR.

You may be able to say that the land and groundwater have not deteriorated, and are therefore in a satisfactory state², if your evidence shows that:

- measures to protect land and groundwater have worked;
- you investigated and remedied pollution incidents that may have affected land;
- you monitored soil, gas or water and you investigated and remedied any deterioration found;
- you investigated and remedied any risk of pollution caused by decommissioning.

Many of these records are required by our modern permit conditions (and standard rules). Our

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guidance on '*How to comply with your environmental permit*' explains how we expect your overall management system and your accident management system will require you to make and keep the relevant records.

² See RGS 9 for guidance on satisfactory state.

Is an intrusive investigation needed?

If your records are not complete and/or it is considered that your activity may have had an impact on the land or groundwater, then taking samples of soil or groundwater and measuring levels of contamination is likely to be the only way in which you will be able to demonstrate whether the condition of the land is satisfactory. If in doubt, it is suggested that you discuss the adequacy of your records prior to submitting your surrender application and SCR.

We would expect you to take samples of soil or groundwater and measure levels of contamination where the criteria listed in Box 1 apply.

Box 1: When an intrusive investigation is required at surrender

1. You sampled the soil or groundwater at the time you applied for the original permit.

Or
2. Your risk assessment identified that your activity presented a risk to land or groundwater and one or more of the following applies:-
 - (a) Your records of the pollution prevention measures employed and their effectiveness at the site are incomplete. For example, if it is feasible that an undetected failure of your pollution prevention measures could have taken place (e.g. low level leakages over a substantial period of time) leading to land or groundwater pollution.
 - (b) Your records of the occurrence and remediation of pollution incidents are incomplete.
 - (c) The records show compliance issues with respect to matters that may affect the condition of the land such as spills and leaks of polluting substances.

When you take samples of soil or groundwater and measure levels of contamination, you need to comply with the requirements of our policy document [307_03 Chemical test data on contaminated soils – qualification requirements](#).

Do you need to remediate?

You must consider all the evidence gathered in the surrender SCR and compare this to the reference information in the application sections to see whether the land has deteriorated. If, when you applied for the permit, you sampled the soil and groundwater, you should use this information. If not, you must compare any sampling information in the surrender SCR to other reasonable levels, for example, the expected background concentrations of the substance. Where you did not originally establish that there was pre-existing contamination, we will assume that there was none.

If the land has deteriorated because of the permitted activities, you need to take steps to restore it to a satisfactory state.

We do not expect you to address historic contamination, or that caused by non-permitted activities, except where the site has an assumed zero contamination because you did not establish otherwise before you commences operations. However, if we believe that it is reasonable to attribute contamination to your permitted operations then we will require you to take all practical steps to remediate that contamination.

If historic contamination at your site presents unacceptable risks to human health or the environment it will need to be addressed separately, as a result of other environmental legislation⁶, not connected to the environmental permitting regime.

⁶ For example under Part2A EPA90 (Contaminated land regime).

SITE CONDITION REPORT TEMPLATE

COMPLETE SECTIONS 1-3 AND SUBMIT WITH APPLICATION DURING THE LIFE OF THE PERMIT: MAINTAIN SECTIONS 4-7 AT SURRENDER: ADD NEW DOC REFERENCE IN 1.0; COMPLETE SECTIONS 8-10; & SUBMIT WITH YOUR SURRENDER APPLICATION.

1.0 SITE DETAILS	
Name of the applicant	
Activity address	
National grid reference	
Document reference and dates for Site Condition Report at permit application and surrender	
Document references for site plans (including location and boundaries)	

Note:

In Part A of the application form you must give us details of the site's location and provide us with a site plan. We need a detailed site plan (or plans) showing:

- Site location, the area covered by the site condition report, and the location and nature of the activities and/or waste facilities on the site.
- Locations of receptors, sources of emissions/releases, and monitoring points.
- Site drainage.
- Site surfacing.

If this information is not shown on the site plan required by Part A of the application form then you should submit the additional plan or plans with this site condition report.

2.0 Condition of the land at permit issue	
Environmental setting including: <ul style="list-style-type: none"> • geology • hydrogeology • surface waters 	
Pollution history including: <ul style="list-style-type: none"> • pollution incidents that may have affected land • historical land-uses and associated contaminants • any visual/olfactory evidence of existing contamination • evidence of damage to pollution prevention measures 	

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Evidence of historic contamination, for example, historical site investigation, assessment, remediation and verification reports (where available)	
Baseline soil and groundwater reference data	
Supporting information	<ul style="list-style-type: none"> • Source information identifying environmental setting and pollution incidents • Historical Ordnance Survey plans • Site reconnaissance • Historical investigation / assessment / remediation / verification reports • Baseline soil and groundwater reference data

3.0 Permitted activities	
Permitted activities	
Non-permitted activities undertaken	
Document references for: <ul style="list-style-type: none"> • plan showing activity layout; and • environmental risk assessment. 	

Note:

In Part B of the application form you must tell us about the activities that you will undertake at the site. You must also give us an environmental risk assessment. This risk assessment must be based on our guidance (*Environmental Risk Assessment - EPR H1*) or use an equivalent approach.

It is essential that you identify in your environmental risk assessment all the substances used and produced that could pollute the soil or groundwater if there were an accident, or if measures to protect land fail.

These include substances that would be classified as 'dangerous' under the Control of Major Accident Hazards (COMAH) regulations and also raw materials, fuels, intermediates, products, wastes and effluents.

If your submitted environmental risk assessment does not adequately address the risks to soil and groundwater we may need to request further information from you or even refuse your permit application.

4.0 Changes to the activity	
Have there been any changes to the activity boundary?	If yes, provide a plan showing the changes to the activity boundary.
Have there been any changes to the permitted activities?	If yes, provide a description of the changes to the permitted activities
Have any 'dangerous substances' not identified in the Application Site Condition Report been used or produced as a result of the permitted activities?	If yes, list of them
Checklist of supporting information	<ul style="list-style-type: none"> • Plan showing any changes to the boundary (where relevant) • Description of the changes to the permitted activities (where relevant) • List of 'dangerous substances' used/produced by the permitted activities that were not identified in the Application Site Condition Report (where relevant)

5.0 Measures taken to protect land	
Use records that you collected during the life of the permit to summarise whether pollution prevention measures worked. If you can't, you need to collect land and/or groundwater data to assess whether the land has deteriorated.	
Checklist of supporting information	<ul style="list-style-type: none"> • A baseline site condition report that you produced in response to IED requirements (installations only) • Inspection records and summary of findings of inspections for all pollution prevention measures • Records of maintenance, repair and replacement of pollution prevention measures

6.0 Pollution incidents that may have had an impact on land, and their remediation	
Summarise any pollution incidents that may have damaged the land. Describe how you investigated and remedied each one. If you can't, you need to collect land and /or groundwater reference data to assess whether the land has deteriorated while you've been there.	
Checklist of supporting information	<ul style="list-style-type: none"> • Records of pollution incidents that may have impacted on land • Records of their investigation and remediation (including remediation verification reports)

7.0 Soil gas and water quality monitoring (where undertaken)	
<p>Provide details of any soil gas and/or water monitoring you did. Include a summary of the findings. Say whether it shows that the land deteriorated as a result of the permitted activities. If it did, outline how you investigated and remedied this.</p>	
Checklist of supporting information	<ul style="list-style-type: none"> • Description of soil gas and/or water monitoring undertaken • Monitoring results (including graphs)

8.0 Decommissioning and removal of pollution risk	
<p>Describe how the site was decommissioned. Demonstrate that all sources of pollution risk have been removed. Describe whether the decommissioning had any impact on the land. Outline how you investigated and remedied this.</p>	
Checklist of supporting information	<ul style="list-style-type: none"> • Site closure plan • List of potential sources of pollution risk • Investigation and remediation reports (where relevant)

9.0 Reference data and remediation (where relevant)	
<p>Say whether you had to collect land and/or groundwater data. Or say that you didn't need to because the information from sections 3, 4, 5 and 6 of the Surrender Site Condition Report shows beyond reasonable doubt that the land has not deteriorated.</p> <p>If you did collect land and/or groundwater reference data, summarise what this entailed, and what your data found. Say whether the data shows that the condition of the land has deteriorated, or whether the land at the site is in a "satisfactory state". If it isn't, summarise what you did to remedy this. Confirm that the land is now in a "satisfactory state" at surrender.</p>	

Checklist of supporting information	<ul style="list-style-type: none"> • Land and/or groundwater data collected at application (if collected) • Land and/or groundwater data collected for a baseline site condition report that you produced in response to IED requirements (installations only) • Land and/or groundwater data collected at surrender (where needed) • Assessment of satisfactory state • Remediation and verification reports (where undertaken)
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10.0 Statement of site condition	
<p>Using the information from sections 3 to 7, give a statement about the condition of the land at the site. This should confirm that:</p> <ul style="list-style-type: none"> • the permitted activities have stopped • decommissioning is complete, and the pollution risk has been removed • the land is in a satisfactory condition. 	