

Technical Support Team  
Knowsley Metropolitan Borough Council

Our ref: Knowsley Fincham  
Your ref: 25/00547/CLD  
Date: 28/11/2025

Dear Sir/Madam,

RE: Application for Certificate of Lawfulness for Proposed Development at Knowsley Fincham, on a grass area at Huyton Farm Green, Green Way, Huyton, Knowsley L36 2LZ Ref: 25/00547/CLD ("the Application")

The Application is being made by the Environment Agency, acting by its Agent Bureau Veritas ("the Applicant").

The Applicant is seeking the local planning authority's determination that the proposed works to install an Air Quality Monitoring Station are permitted development in accordance with Schedule 2 Part 19 Class A – General Development by the Crown of the Town and Country Planning (General Permitted Development) (England) Order 2015.

In order to assist your consideration of the Application, I would like to provide the following information regarding general development by the Crown and the authority that has been granted to the Environment Agency to allow it to fulfil Defra's functions, including clarity regarding the relevant Class of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Role and Authority of the Environment Agency:**

The Environment Agency is acting on behalf of Defra and has delegated authority from Defra in the form of a Section 78 Agreement dated 10th May 2023 between Secretary of State for the Environment Food and Rural Affairs and The Environment Agency ("the Agreement"). Section 78 of the Natural Environment and Rural Communities Act 2006 enables Defra to enter into an agreement with the Environment Agency for the Agency to perform a function of the Secretary of State. Clause 4 of the Agreement sets out the functions that are delegated, as follows:

“4) The functions are:

Making arrangements as necessary for obtaining such data about the natural environment as the Secretary of State considers appropriate for the purpose of monitoring the progress being made towards meeting any targets set under section 1(Environmental targets) to 2 (Environmental targets: particulate matter) of the 2021 Act; Establishing arrangements in England for monitoring and assessing particulate matter, including arranging the establishment new monitoring stations, under the new requirements and targets according to under the 2023 Regulations

The exercise of the powers conferred on the Secretary of State by the following provisions of the 2023 Regulations, as amended from time to time:

Regulations 12 – 14 (Monitoring and Assessment) of the 2023 Regulations; and Schedule 2(Monitoring Stations) of the 2023 Regulations

only insofar as those provisions relate to the establishing arrangements to deliver the monitoring and assessment of particulate matter.”

Clause 9 of the Agreement provides that the Agreement shall remain in force until 31 December 2040.

“9) This agreement shall remain in force until 31 December 2040.”

Please note that the Agreement is confidential between the parties and is not held in the public domain. The Environment Agency is able to make a copy of the Agreement available to the planning officer as necessary, however, it is requested that the Agreement is held confidentially and returned to the Environment Agency once the necessary assurance has been provided. Please let me know if you require a full copy of the Agreement and I will liaise with my colleagues at the Environment Agency accordingly.

Part 19 Class A – General Development by the Crown

The Application site is not on Crown land. Through the Application the Environment Agency as Applicant is seeking confirmation that it may rely on the permitted development rights within the Town and Country Planning (General Permitted Development) (England) Order 2015, in particular the rights set out in Schedule 2 Part 19 Class A – General Development by the Crown.

Part 19 Class A – General Development by the Crown

Part 19 Class A reads:

“The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—

- (a) any small ancillary building, works or equipment on Crown land required for operational purposes;
- (b) lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.

#### Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

The obligations to establish new Air Quality Monitoring Stations are obligations of the Secretary of State for Defra. The actions of the Environment Agency in establishing the monitoring stations can be said to be “erection or construction...by or on behalf of the Crown”, as is clear from the arrangements between Defra and the Environment Agency set out in the Agreement.

As the proposed Air Quality Monitoring Station is not on Crown land it is proposed that sub-paragraph (b) of Class A Part 19 is applicable as the proposed structure is similar in construction and design to a communications/information kiosk/telecommunications exchange box and is clearly required in connection with the operational purposes of the Crown, to monitor air quality.

It is therefore considered that the Environment Agency as Applicant can make use of sub-paragraph (b) of Class A Part 19 for the establishment of the proposed new Air Quality Monitoring Station, particularly as the Agreement is evidence that a formal arrangement is in place between Defra and the Environment Agency, which clearly appoints the Environment Agency as Defra’s agent for the discharge of Defra’s relevant functions.

Please note that in exercising its role as Defra’s agent the Environment Agency (acting by its Agent Bureau Veritas) has made several similar applications around the country and have received approvals by way of Certificates of Lawfulness pursuant to Class 19 of Town and Country Planning (General Permitted Development)(England) Order 2015, in particular the rights set out in Schedule 2 Part 19 Class A – General Development by the Crown. I am happy to share

examples of similar applications, through our Agents Bureau Veritas, if it is of assistance.

I hope that this information is helpful in considering the Application.

Yours faithfully

Nigel Jenkins  
Project Manager  
PM2.5 Expansion Project  
Bureau-Veritas

On behalf of:

Jon Brookes  
Programme Manager, Air Quality  
Environment Agency

Copied to: Nigel Jenkins, Bureau-Veritas