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STATUTORY INSTRUMENTS

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**1996 No. 1865**

**The Devon (City of Plymouth and Borough of Torbay) (Structural Change) Order 1996**

**PART II**

**LOCAL GOVERNMENT REORGANISATION IN PLYMOUTH AND TORBAY**

**Planning functions**

**5.—(1)** The structure plan applying immediately before the reorganisation date to Devon, and any proposals prepared before that date for the alteration or replacement of that plan, shall be treated as if they had been prepared jointly by the Devon Council, the Plymouth Council and the Torbay Council; and section 50 of the Town and Country Planning Act 1990<sup>(1)</sup> (“the 1990 Act”) shall apply accordingly.

(2) In relation to the Plymouth Council or the Torbay Council—

- (a) section 36(5) of the 1990 Act (which provides that a local plan shall not contain policies in respect of minerals or waste) shall not apply;
- (b) subsection (1) of section 37 of that Act (minerals local plans) shall have effect as if, after the words “local plan”, there were added the words “or include in their local plan their detailed policies in respect of development consisting of the winning and working of minerals or involving the deposit of mineral waste”; and
- (c) subsection (2) of section 38 of that Act (waste policies) shall have effect as if, after paragraph (b), there were added the following—

“or

- (b) include their waste policies in their local plan.”

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<sup>(1)</sup> 1990 c. 8. In this Act, sections 36 to 38 were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34) and section 50 was amended by paragraph 24 of that Schedule.