
STATUTORY INSTRUMENTS

1995 No. 1772

**The Durham (Borough of Darlington)
(Structural Change) Order 1995**

PART II

LOCAL GOVERNMENT REORGANISATION IN DURHAM

Planning functions

7.—(1) The structure plans applying immediately before the reorganisation date to Darlington and the boroughs of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees⁽¹⁾, and any proposals prepared before that date for the alteration or replacement of any such plan, shall be treated as if they had been prepared jointly by the Darlington Council and the councils of those boroughs; and section 50 of the Town and Country Planning Act 1990⁽²⁾ (“the 1990 Act”) shall apply accordingly.

(2) In relation to the Darlington 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

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

(1) The functions of the Cleveland County Council are transferred to these boroughs on 1st April 1996 by virtue of a structural change effected by [S.I.1995/187](#), article 6 of which contains provisions relating to structure plans.

(2) [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.