
STATUTORY INSTRUMENTS

1996 No. 1875

The Essex (Boroughs of Colchester, Southend-on-Sea and Thurrock and District of Tendring) (Structural, Boundary and Electoral Changes) Order 1996

PART II

**LOCAL GOVERNMENT REORGANISATION
IN SOUTHEND AND THURROCK**

Planning functions

5.—(1) Any structure plan applying immediately before the reorganisation date to Essex, excluding the area of Thurrock, and any proposals prepared before that date for the alteration or replacement of such a plan shall be treated as if they had been prepared jointly by the County Council and the Southend Council; and section 50 of the 1990 Act(1) shall apply accordingly.

(2) In relation to the Southend Council —

- (a) section 36(5) of the 1990 Act(2) (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.”

(3) Thurrock Council shall be treated as an authority to whose area Chapter I of Part II of the 1990 Act (“Chapter I”) (unitary plans) applies, instead of Chapter II of that Part (structure and local plans).

(4) For the purposes of paragraph (3) above, Thurrock shall be treated as if it were the area of a local planning authority in a metropolitan county and references in Chapter I to the local planning authority shall be construed accordingly.

(5) The 1990 Act shall have effect in relation to Thurrock as if —

- (a) in section 27 (meaning of “development plan” in Greater London and metropolitan counties), for the words “any district in Greater London or a metropolitan county (whether the whole or part of the area of a local planning authority)” there were substituted the words “the district of Thurrock (whether the whole or part of the area of that district)”; and
- (b) section 28 (commencement of Chapter I: transitional provisions) did not apply.

(1) Section 50 of the 1990 Act was amended by paragraph 24 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34).

(2) Sections 36 to 38 of the 1990 Act were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991.

(6) Until a unitary development plan becomes operative for the area of Thurrock (or where parts of such a plan become operative on different dates until every part of such a plan has become operative) —

- (a) Part I of Schedule 2 to the 1990 Act (which provides for existing development plans to continue in force) shall apply to that area; and
- (b) Part III of that Schedule shall apply to it for the purposes of making continuing provision for the transitional matters for which provision was made immediately before the commencement of the 1990 Act by Schedule 7 to the Town and Country Planning Act 1971 (old development plans, etc);**(3)**

and Part I of Schedule 2 shall have effect in relation to Thurrock as if the reference in paragraph 1(1) to the commencement of the 1990 Act were a reference to the coming into force of this article.

(3) 1971 c. 78.