



Infrastructure (Wales) Act 2024

2024 asc 3

PART 6

INFRASTRUCTURE CONSENT ORDERS

Effect of infrastructure consent orders

98 Planning obligations

- (1) The TCPA 1990 is amended as follows.
- (2) In section 106 (planning obligations)—
 - (a) after subsection (1A) insert—

“(1B) In the case of an infrastructure consent obligation, the reference to development in subsection (1)(a) includes anything that constitutes development for the purposes of the Infrastructure (Wales) Act 2024.”;
 - (b) in subsection (9) after paragraph (aa) insert—

“(ab) if the obligation is an infrastructure consent obligation, contains a statement to that effect;”;
 - (c) after subsection (14) insert—

“(15) In this section and section 106A “infrastructure consent obligation means a planning obligation entered into in connection with an application (or a proposed application) for an infrastructure consent order.”
- (3) In section 106A(11) (modification and discharge of planning obligations: meaning of “the appropriate authority”) after paragraph (a) insert—

“(zaa) the Welsh Ministers, in the case of any infrastructure consent obligation;”.
- (4) In section 106B(1) (appeals) after “Secretary of State” insert “or the Welsh Ministers”.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(5) After section 106C insert—

“106D Legal challenges relating to infrastructure consent obligations

- (1) This section applies where an application has been made to the Welsh Ministers under section 106A.
- (2) A court may entertain proceedings for questioning a failure by the Welsh Ministers to give notice as mentioned in section 106A(7) only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which the period prescribed under section 106A(7) ends.
- (3) A court may entertain proceedings for questioning a determination by the Welsh Ministers that a planning obligation is to continue to have effect without modification only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which notice of the determination is given under section 106A(7).”