

## SCHEDULES

### SCHEDULE 2

#### MODIFICATION OR DISCHARGE OF AFFORDABLE HOUSING REQUIREMENTS: RELATED AMENDMENTS

- 6 (1) Section 106C (legal challenges relating to development consent obligations) is amended as follows.
- (2) In subsection (1) (challenges to Secretary of State's failure to give notice under section 106A(7)), after “106A(7)” in both places insert “ or 106BA(9) ”.
- (3) After subsection (1) insert—
- “(1A) If no period is prescribed under section 106BA(9), the period of 6 weeks referred to in subsection (1)(b) that applies in relation to proceedings for failure to give notice as mentioned in subsection (9) of section 106BA begins with the expiry of the period mentioned in that subsection that applies in the applicant's case.”
- (4) In subsection (2) (challenges to Secretary of State's determination that planning obligation is to continue to have effect without modification), in paragraph (b), after “106A(7)” insert “ or 106BA(9) ”.
- (5) After subsection (2) insert—
- “(3) A court may entertain proceedings for questioning a determination by the Secretary of State on an application under section 106BA that a planning obligation shall be modified otherwise than in accordance with the application only if—
- (a) the proceedings are brought by a claim for judicial review, and
  - (b) the claim form is filed during the period of 6 weeks beginning with the day on which notice of the determination is given under section 106BA(9).”

**Changes to legislation:**

There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Paragraph 6.