This is a rapidly evolving area — the Planning and Infrastructure Act 2025 received Royal Assent in December 2025, directly after this EWR report was prepared. The reforms are highly relevant to the green belt DCO question. Here is a comprehensive analysis.

How Recent DCO Reforms Alter the Green Belt Planning Picture for EWR's TCC

The Planning and Infrastructure Act 2025 — what has changed

The Planning and Infrastructure Act 2025 (PIA 2025) received Royal Assent in December 2025 and introduces major changes to the Development Consent Order planning process for Nationally Significant Infrastructure Projects. It focuses on tackling the biggest delays to the planning process for nationally significant infrastructure, noting that the time taken to prepare an application has doubled from one to two years since the regime's inception. GOV.UK

This is the most significant reform to infrastructure planning since the Planning Act 2008, and it materially changes the planning landscape described in the EWR report in several important ways.

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1. Judicial Review Reforms — the most significant change for green belt risk

The green belt constraint on the CEA options carries most of its weight as a planning risk through two mechanisms: the risk of refusal and the risk of legal challenge. The PIA 2025 directly addresses the latter.

The number of legal challenges against DCOs has spiked in recent years, with 58% of decisions being subject to legal challenge. Despite 30 challenges being brought against major infrastructure projects, only four decisions to approve a project have been overturned by the courts. On average, each legal challenge takes 1.4 years to reach a conclusion. UK Parliament

Claims seeking permission for judicial review of NPSs and DCOs will go straight to an oral hearing, rather than first going through the paper permission stage. The Bill will also enable judges to certify a claim as 'totally without merit' at an oral hearing in the High Court, thereby removing the right to appeal that decision to a higher court. Claims which are not found to be 'totally without merit' will still be able to appeal to the Court of Appeal. GOV.UK

What this means for the CEA green belt site: A green belt challenge to a CEA DCO consent would previously have had up to three attempts to secure judicial review permission. Under the PIA 2025 it now has at most two, and potentially one if certified as totally without merit. This reduces but does not eliminate judicial review risk. A substantive green belt challenge — arguing the Secretary of State failed to properly apply NPPF policy or gave insufficient weight to

green belt purposes — would not easily be certified as totally without merit and could still proceed to a full hearing. The reform reduces the procedural delay risk from legal challenge but does not address the substantive planning policy risk.

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2. Pre-Application Consultation Changes — mixed implications

You will no longer be obliged to carry out a 'section 42 consultation' with affected individuals and statutory bodies, or a community consultation. But you will still need to meet publicity requirements, including advertising in a national newspaper. The Secretary of State will issue guidance about best practice at the pre-application stage. TLT LLP

This is relevant to the EWR TCC because the report itself acknowledges that public engagement on the TCC has not yet been undertaken. Removing the statutory pre-application consultation requirement could speed up the programme for either site — but for the CEA green belt site, removing formal pre-application consultation may actually increase risk rather than reduce it. Community and local authority opposition to a green belt facility would not be resolved during pre-application, meaning it would crystallise during examination instead. The EWR report's own context section notes that Cambridge City Council has already raised concerns about heritage impacts in the vicinity — removing the formal pre-application consultation requirement does not make those concerns disappear.

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3. Alternative Consenting Routes — a new option that changes the calculus

To increase flexibility of the NSIP regime the Bill provides a power for the Secretary of State to direct on a case-by-case basis, before submission of a DCO application, that the requirement for development consent is disapplied and an alternative consenting regime — for example the Town and Country Planning Act 1990, Highways Act 1980 or Transport and Works Act 1992 — is to apply instead. BCLP

This is a genuinely new option that did not exist when the EWR report was being prepared. A TCC at the CEA green belt site could potentially be directed out of the DCO process and into the Town and Country Planning Act regime — or conversely, the Secretary of State might direct that the TCC, which might sit at the margins of NSIP thresholds as a standalone facility, goes through a different route entirely.

However this cuts both ways. The route for obtaining planning consent for infrastructure projects that do not fall within the NSIPs regime is generally through a planning application determined at first instance by local planning authorities. Although that process is generally quicker than the DCO process, local opposition to infrastructure development can lead to more refusals being issued as compared to the DCO process. Jones Day

For a green belt site, being directed into the TCPA route would be highly disadvantageous — a local planning authority would apply full green belt policy with no national need override, making refusal highly probable. The DCO route, where national infrastructure need is a primary consideration, is actually more favourable for a green belt site than the TCPA route. This new flexibility therefore increases rather than decreases the planning risk for CEA if the project were directed out of the DCO regime.

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4. National Policy Statements — the critical gap that remains

The PIA 2025 requires National Policy Statements to be updated at least every five years. It also introduces a new streamlined procedure for changes to NPSs which reflect the government's broader planning policies. GOV.UK

This reform is highly relevant to EWR but does not help in the short term. There is currently no designated NPS for East West Rail or for rail maintenance infrastructure specifically. The absence of an applicable NPS means a DCO for the TCC would be determined without the policy framework that gives NSIPs their strongest protection against green belt challenges. The government committed to updating relevant NPSs by July 2025 to ensure they reflect the government's priorities for infrastructure delivery. This will give more certainty to applicants. GOV.UK

Whether an NPS covering EWR infrastructure has been or will be designated before the TCC DCO application is submitted is a critical unknown. If an NPS establishing national need for EWR and its supporting infrastructure is in place before the DCO examination, the green belt constraint becomes significantly more manageable — national need established by an NPS carries considerable weight against local policy objections including green belt. If no NPS exists, the green belt constraint retains much of its force.

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5. The Grey Belt Concept — potentially relevant to CEA

The NPPF reforms of December 2024 introduced a new concept directly relevant to the CEA site that the EWR report does not address at all.

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 would provide a strong reason for refusing or restricting development. Local Government Association

The CEA site is currently agricultural land on the eastern fringe of Cambridge adjacent to the existing Newmarket Line railway corridor. The question of whether this land "strongly contributes" to green belt purposes — particularly preserving Cambridge's setting and

preventing urban sprawl — is not a straightforward one. Land adjacent to an existing railway corridor, next to an industrial estate as the report describes, and in an area where the report itself notes Cambridge's eastward expansion has "weakened its rural character" might potentially be assessed as grey belt land making a limited contribution to green belt purposes.

Since the current Framework was updated in December 2024, an unprecedented 80% of major residential appeals located on grey belt land have been approved, homes that likely wouldn't have been built under previous policy. GOV.UK

If the CEA site or part of it could be assessed as grey belt under the new NPPF guidance, this would materially change the planning position from a fundamental constraint to a manageable one. The EWR report's AF15 analysis, which was completed using pre-December 2024 planning policy, does not engage with this possibility at all. This is a significant omission given the timing of the report.

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6. Biodiversity Net Gain and Environmental Delivery Plans — new complexity for both sites

Mandatory biodiversity net gain is expected to apply to on-shore NSIPs from May 2026, and a new approach to supporting strategic nature recovery and delivery is also being introduced as part of wider reforms to the planning system. Local Government Association

Part 3 of the Act introduces Environmental Delivery Plans (EDPs) — a mechanism allowing developers to pay a 'nature restoration levy' rather than directly mitigating certain environmental impacts. Natural England produces EDPs covering specific geographical areas and development types. Each EDP identifies environmental features likely to be negatively affected, protection measures, the levy amount, and which environmental obligations are discharged if you pay. For NSIPs, paying the levy means the corresponding environmental impact is ignored in protected species licensing regimes. TLT LLP

This is relevant to both sites given the ecological concerns identified in AF14 — the SSSI impact risk zone for CEA, the water vole and bat connectivity concerns for CSM2. The EDP mechanism could potentially discharge some of these environmental obligations through levy payment rather than on-site mitigation, reducing the ecological constraint on both options. However EDPs must be produced by Natural England for specific areas and development types, and whether relevant EDPs will be in place before the TCC DCO application is another critical unknown.

What the reforms mean overall for the AF15 conclusions

The PIA 2025 reforms change the planning risk landscape for the CEA green belt site in several ways simultaneously:

Risk reduction: Judicial review reforms reduce the number of legal challenges that could delay a consented CEA DCO. Mandatory five-yearly NPS updates increase the probability that an EWR NPS will be in place before the TCC examination, which would strengthen the national need case against green belt objections. The EDP mechanism could reduce ecological constraint risks for both sites.

Risk remaining or increasing: The green belt policy constraint itself is unchanged by the PIA 2025 — the Act reforms process, not substantive planning policy. The Secretary of State must still properly apply NPPF green belt policy when determining a DCO. The alternative consenting route flexibility could be disadvantageous if the TCC were directed out of the DCO regime. The removal of statutory pre-application consultation removes an opportunity to resolve green belt objections before examination rather than during it.

New opportunity not addressed in the report: The grey belt concept introduced in December 2024 could potentially reclassify part or all of the CEA site, materially reducing the planning constraint. The EWR report's failure to engage with this concept is a notable gap given it was introduced before the report's April 2026 publication date.

The fundamental position: While much of the detail will become clearer with the passing of regulations and secondary legislation, it appears at first glance that the Act does not appear likely to have any more success in limiting the perceived blocks to planning and infrastructure development than did the Planning Act 2008, at least without wholesale reform in areas of human rights law and associated judicial review, which might actually provide substantive limits to legal challenge. Ts-p

In summary, the PIA 2025 reforms make the DCO process faster and reduce procedural delay risks, but they do not remove the substantive green belt policy constraint on the CEA options. The most significant new development not addressed in the EWR report is the grey belt concept, which could potentially reclassify the CEA site and transform the planning position from a major constraint to a manageable one — but this analysis has not been done, and its outcome is uncertain. The AF15 major improvement rating for CSM therefore remains directionally valid, but its magnitude may be somewhat reduced by these reforms compared to what the report implies.