

- The EA business case makes it clear that the expansion is predicated on new development and rely on the housing numbers to get the figures required for the Economic Case.
- This is in breach of the EA's policy on funding as they have confirmed in their responses
- TMBC have confirmed that there is no developer contribution to the scheme in the replies to emails from them submitted as evidence (see ID 17-3 RM LR 06 Mrs Robertson third submission).
- This is in breach of planning rules that state that if a development is otherwise acceptable but places a burden on existing infrastructure then developer contributions are required
- Hence, there should be developer funding and shouldn't be EA funding which is the reverse of what is occurring
- The proposals before the inquiry are therefore based on a false premise and there is no foundation to the scheme as stated
- Furthermore, the EA have repeatedly stated that the flood modelling for the Yalding area cannot be relied upon. It must therefore be set aside. This means there is no flood risk assessment associated with the proposals and again, means the proposals before the enquiry are based on a false premise
- Finally, the EA have confirmed that the operating procedures are indeed integral to the scheme and are of material consideration to this inquiry. The operating procedures do not adequately provide for downstream. However the EA have now conceded that they could do more. Hence the proposals before the inquiry are further based on a false premise and may not be legal.

We have provided three examples of where the EA's case falls short. We would urge the inquiry to consider that in the absence of an appropriate basis in law, policy, departmental and other guidance that the proposals including for amendment to the scheme can not be ratified. If this is not accepted we would request that the inquiry is adjourned until such time as the impacts on Yalding have been duly considered, any risks mitigated and any potential ways of operating the barrier for Yalding's benefit established and enshrined in the operating procedures.