



The Planning Inspectorate

National Infrastructure Planning
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All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: TR050005

Date: 23 January 2019

Dear Sir/ Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6

Application by Four Ashes Limited for an Order Granting Development Consent for the West Midlands Interchange.

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the Examining Authority (the ExA) to carry out an Examination of the above application for a Strategic Rail Freight Interchange (SRFI). A copy of the appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/TR050005-000515>

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important supporting annexes.

Date of meeting: Wednesday 27 February 2019

Seating available from: 9.30am

Meeting begins: 10.00am

Venue: Hayward Suite, Molineux Stadium, Waterloo Road, Wolverhampton, WV1 4QR

Access and parking: Fully disabled accessible. Car Park Passes can be obtained from Main Reception on arrival.

<https://infrastructure.planninginspectorate.gov.uk>



Note: Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more environmentally friendly and cost effective for the Inspectorate as a government agency. If you have received a postcard but are able to receive communications by email, please confirm this with the Case Team, using the contact details at the top of this letter, as soon as possible.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. At this stage I am looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is at **Annex A**. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex B**. As a result of the assessment I wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and local authorities where they consider changes may be needed to the draft timetable set out in **Annex C**.

Up to date information about the project and the Examination can be obtained from: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

This is the address for the project webpage on the National Infrastructure Planning website, from which we will make copies of all Examination Documents available to the public. As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter. Please confirm this **no later than Wednesday 20 February 2019**.

It will help the management of the meeting and benefit everyone if you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. I will use it to make Procedural Decisions that will affect everyone participating in the

Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting. However, please note that you are not required to attend the Preliminary Meeting in order to participate in the Examination. If you are an Interested Party you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the Examination. An audio recording and a note of the meeting will also be published on the project webpage on the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are held at the discretion of the ExA and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately examined. My Examination will comprise of written submissions about the proposal and oral representations made at any hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Notification of initial hearings

I have made a Procedural Decision to hold the following hearings:

- An **Open Floor Hearing** at 2.00pm on **27 February 2019**.
- An **Open Floor Hearing** at 6.00pm on **27 February 2019**.
- An **Issue Specific Hearing dealing with matters relating to the draft Development Consent Order** at 10.00am **28 February 2019**.

Important information about these hearings is contained within **Annex D**. Agendas for these hearings will be published shortly on the project page of the national infrastructure planning website, here:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

If you wish to make oral representations at any of these hearings please write, email or telephone the Case Team using the address and contact details at the top of this letter. We will need to receive the above notice **no later than Wednesday 20 February 2019**

It will help the management of these hearings and benefit everyone if you also:

- tell us whether you wish to speak at the hearing(s) and set out the issues about which you wish to make oral representations; and
- notify us of any special needs you may have (eg disabled access, hearing loop etc).

Other Procedural Decisions made by the Examining Authority

In addition to the hearings notified above, I have made some further Procedural Decisions which are set out in full at **Annex F**. These relate to the following matters:

- My acceptance of a number of additional submissions into the Examination;
- My request that the Applicant provides and subsequently updates a Status Report in relation to the land and rights which are affected by the proposals for compulsory acquisition;
- My request that Statements of Common Ground between the applicant and certain Interested Parties should be provided within a specified timescale.

Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008.

If you have made a Relevant Representation, have a legal interest in the land affected by the application¹ or are a relevant local authority where the development is proposed within your boundary (reference numbers beginning with 2001, WMIDS, WMI-AFP and WMI-S57), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a Statutory Party² or a local authority bordering the local authority in which the development is proposed, but have not made a Relevant Representation (reference number beginning with WMI-SP), you will not automatically be an Interested Party. However, you may notify the ExA that you wish to be treated as an Interested Party at any point during the Examination.

If you are not an Interested Party or a Statutory Party, you have received this letter because you are invited to the Preliminary Meeting as an Other Person because it appears to us that the Examination could be informed by your participation. Other Persons have a reference number beginning with WMI-OP. If you are an Other Person you are not an Interested Party. I will write to you with my Procedural Decision following the Preliminary Meeting, but I will not write to you again in the course of the Examination unless it is to inform you that the Examination Timetable has changed or I have specific questions for you.

¹ Or have been identified by the Applicant as a person who might be entitled to make a relevant claim

² For the purposes of this letter, meaning a body specified in Schedule 1 of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

If you are unsure of your status in the Examination, please do not hesitate to contact the Case Team using the details at the top of this letter. More information regarding the formal status of Interested Parties is set out in the Planning Inspectorate's Advice Note 8 series, available here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Awards of costs

I also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate, is published on our website.

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange>

All Examination Documents can also be viewed electronically at the locations listed in **Annex E**.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#).

I look forward to working with all parties in the examination of this application.

Yours faithfully

Paul Singleton

Paul Singleton
Examining Inspector

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft Examination Timetable
- D** Notification of initial hearings
- E** Availability of Examination Documents
- F** Other Procedural Decisions made by the Examining Authority

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

<https://infrastructure.planninginspectorate.gov.uk>



Agenda for the Preliminary Meeting

Date:	Wednesday 27 February 2019
Seating available from:	9.30am
Meeting Start Time:	10.00am
Venue:	Hayward Suite, Molineux Stadium, Waterloo Road, Wolverhampton, WV1 4QR

9.30am	Seating available
Item 1 (10.00am)	Welcome and introductions
Item 2	The Examining Authority's (ExA) remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – see Annex B
Item 4	Timetable for the Examination including deadlines for submission of: <ul style="list-style-type: none"> • Written Representations • Local Impact Reports • Responses to the ExA's Written Questions • Statements of Common Ground (see Annex F) • Notifications relating to hearings
Item 5	Procedural Decisions taken by the ExA (see Annex F)
Item 6	Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> • Date of ASI to application site and surrounding area • Time periods reserved for subsequent Open Floor Hearing(s), Issue Specific Hearings and/ or Compulsory Acquisition Hearing(s)
Item 7	Any other matters
Close of the Preliminary Meeting	

Please note: Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). This initial assessment has had regard to consideration by the Examining Authority (ExA) of the application documents and of Relevant Representations received in respect of the application.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Transport after the Examination has concluded.

The order of the issues listed does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development including the mitigation of, and adaption to, climate change are not listed as specific Principle Issues; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principle Issues;

the ExA will conduct all aspects of the Examination with these objectives in mind.

1. The policy context set out in the National Networks National Policy Statement (NNNPS).
2. The availability of alternatives and the justification for development of Green Belt land for the proposed RFI.
3. The scale of employment growth projected by the RFI development and the effect on labour supply and other economic investment.
4. Consequences of the proposal for land use including the loss of good quality agricultural land.
5. The adequacy of the proposals to accommodate the likely traffic generation of the proposed strategic rail freight interchange (SRFI) and to mitigate its effect on the local and national highway network.

6. The effect on the air quality of the surrounding area and nearby Air Quality Management Areas (AQMA).
7. Air quality, noise and lighting effects on nearby residential properties and other receptors during both the construction and operational phases of the development.
8. The effect on cultural heritage and archaeology.
9. The effect on ecological interests and designated sites.
10. Landscape and visual effects.
11. The effect on the quality and integrity of groundwater resources.
12. The effect on recreational and leisure activity in the locality of the application site.
13. The effect on the Staffordshire and Worcestershire Canal and its associated infrastructure.
14. The justification for the compulsory acquisition of property interests and rights and the ability of the applicant to meet the potential compensation requirement of that proposed acquisition.

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider oral representations made at any hearings.

The ExA has ruled that two Open Floor Hearings and an Issue Specific Hearing to consider the draft Development Consent Order should be held at the beginning of the Examination as indicated in the draft Examination Timetable below. Possible dates for a third Open Floor Hearing, a Compulsory Acquisition Hearing and further Issue Specific Hearings have been reserved in the draft timetable. The ExA will keep the need for these possible hearings under review as the Examination progresses.

Item	Matters	Due Dates
1	Preliminary Meeting	27 February 2019
2	Open Floor Hearing - afternoon	27 February 2019
3	Open Floor Hearing - evening	27 February 2019
4	Issue Specific Hearing into the Draft Development Consent Order	28 February 2019
5	Issue by the ExA of: <ul style="list-style-type: none"> Examination Timetable The ExA's Written Questions 	As soon as practicable following the Preliminary Meeting
6	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> Post-Hearing submissions and written submissions of oral case 	13 March 2019
7	Deadline 2 Deadline for receipt of: <ul style="list-style-type: none"> Comments on Relevant Representations (RRs) Summaries of all RR's exceeding 1500 words Written Representations (WRs) Summaries of all WRs exceeding 1500 	5 April 2019

	<p>words</p> <ul style="list-style-type: none"> • Local Impact Reports from any local authorities • Statements of Common Ground (SoCG) requested by the ExA – see Annex F • Responses to the ExA's Written Questions • Comments on updated application documents • Responses to further information requested by the ExA • Applicant's proposed itinerary for an Accompanied Site Inspection • Proposals for Accompanied Site Inspection viewpoints • Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing 	
8	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 2. • Revised draft DCO from Applicant • Responses to further information requested by the ExA 	24 April 2019
9	<p>Period reserved for further hearings, which may include:</p> <ul style="list-style-type: none"> • A third Open Floor Hearing • A second Issue Specific Hearing on draft DCO • A third Issue Specific Hearing, on Accessibility and Transport • A fourth Issue Specific Hearing, on Environmental Effects to include Air Quality, Noise and Landscape/ Visual Effects 	W/C 03 June 2019

	<ul style="list-style-type: none"> • A Compulsory Acquisition Hearing (including, if required, s127 of the PA2008 issues) <p>And also an Accompanied Site Inspection.</p>	
10	<p>Deadline 4</p> <ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case 	14 June 2019
11	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) 	19 June 2019
12	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to the ExA's Further Written Questions (if required) • Responses to further information requested by the ExA • Applicant's revised draft DCO 	03 July 2019
13	Date Reserved for a fifth Issue Specific Hearing, on the Draft DCO.	w/c 8 July 2019
14	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the ExA's Further Written Questions (if required) • Responses to further information requested by the ExA • Post hearing submissions including written submissions of oral case 	17 July 2019
15	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's schedule of changes to the draft DCO (if required) • Report on the Implications for European 	31 July 2019

	Sites (RIES) (if required)	
16	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the ExA's schedule of changes to the draft (if required) • Comments on the RIES (if required) • Responses to further information requested by the ExA 	07 August 2019
17	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to comments on the ExA's schedule of changes to the draft DCO (if required) • Responses to comments on the RIES (if required) • Responses to further information requested by the ExA • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report 	21 August 2019
18	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	27 August 2019

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings we will aim to publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites (RIES)

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Conservations of Habitats and Species Regulations 2017 and/ or Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Notification of initial hearings

Date	Hearing	Start time	Venue	Access and parking
27 February 2019	Open Floor Hearing 1	14.00pm	Hayward Suite, Molineux Stadium, Waterloo Road, Wolverhampton, WV1 4QR	Car Park Passes can be obtained from Main Reception on arrival
27 February 2019	Open Floor Hearing 2	6.00pm		
28 February 2019	Issue Specific Hearing on the Draft Development Consent Order	10.00am		

Information about hearings is included in the Planning Inspectorate's 'Advice Note 8.5: The examination: hearings and site inspections', available on the National Infrastructure Planning website here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-5v3.pdf>

If you wish to attend any of these hearings please contact the Case Team using the details at the top of this letter **no later than Wednesday 20 February 2019**, stating:

- whether you wish to speak at the hearing and the issues about which you wish to make oral representations; and
- notifying us of any special needs you may have (eg disabled access, hearing loop etc).

Seating will be available at the venue(s) 30 minutes prior to the start of each hearing to enable a prompt start. The hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and all matters have been covered. Depending on the numbers wishing to speak at each hearing, it may be necessary for the ExA to limit the time allocated to each speaker.

Hearing agendas

Agendas for issue specific hearings will be published five working days in advance of the hearing on the project webpage on the National Infrastructure

Planning website. The ExA reserves the right to rearrange any agenda for any hearing at short notice.

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

All further documents submitted in the course of the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided in the EL. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Documents can be viewed electronically, free of charge, at the following locations.

Electronic deposit locations

Local authority	Library	Opening hours
South Staffordshire District Council	Brewood Library Newport Street, Brewood, Staffordshire, ST19 9DT	Monday Closed Tuesday 9am - 1pm / 2pm- 7pm Wednesday 9am - 1pm / 2pm- 5pm Thursday 9am - 1pm / 2pm- 5pm Friday 9am - 1pm / 2pm- 5pm Saturday 9:30am - 1pm Sunday Closed
	Penkridge Library Bellbrook, Penkridge, Staffordshire, ST19 5DL	Monday 2pm - 6pm Tuesday 2pm - 7pm Wednesday 10am - 1pm / 2pm- 5pm Thursday 2pm - 5:30pm

		Friday 10am - 1pm / 2pm- 5pm Saturday 9:30am - 1pm Sunday Closed
	Cannock Library Manor Avenue, Cannock, Staffordshire, WS11 1AA	Monday 9am - 5pm Tuesday 9am - 7pm Wednesday 9am - 5pm Thursday 9am - 5pm Friday 9am - 5pm Saturday 9am - 4pm Sunday Closed
Printing costs (all libraries)	Black and white	Colour
A4	15p	50p
A3	30p	£1

Other Procedural Decisions made by the Examining Authority (ExA)

The ExA has made the following Procedural Decisions under s89(3) of the Planning Act 2008 (PA2008):

Examination Documents and information

Representations and submissions

The ExA has made a Procedural Decision to accept a number of Additional Submissions into the Examination. These are available on the National Infrastructure Planning website and are listed in the EL under 'Additional Submissions'.

Compulsory Acquisition

The ExA requests that the Applicant prepares an Examination Document comprising a searchable table in respect of the position on Compulsory Acquisition. The table headings are set out on the final page of this annex.

The Applicant should submit a first version of this **Compulsory Acquisition Status Report** at **Deadline 3** and will be asked to submit updated versions at **deadlines 6 and 8**.

Statements of Common Ground (SoCGs)

In relation to some of the Principal Issues identified in **Annex B** above, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable therefore provides a deadline for the submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence.

It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted by the Applicant.

The ExA requests that SoCGs are prepared by:

- **The Applicant and South Staffordshire Council**
- **The Applicant and Staffordshire County Council**
- **The Applicant and Network Rail**
- **The Applicant and Highways England**
- **The Applicant and Natural England**
- **The Applicant and the Environment Agency**
- **The Applicant and the Canal and Rivers Trust**

Compulsory Acquisition Status Report – table headings

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of Affected Person	Plots in which party has an interest		Party Interested as:	Relevant Works No(s)	Freehold Acquisition (y/n)	Rights and/or powers intended to acquire over plot	Relevant Representation submitted? (y/n and RR-number if yes)	Written Representation submitted? (y/n and WR-number if yes)	Objection made y/n	Recent Progress/ Current position on negotiation	Matters outstanding and measures to be taken	Agreement Reached? (y/n)
	Plot nos	Category										