

Mike Cooke
Chief Executive
London Borough of Camden
Camden Town Hall
Judd Street
WC1H 9JE

24 February 2016

By email only

Dear Mr Cooke

High Speed Rail (London – West Midlands) Bill

Petition No.0184, AP20142, AP3072 London Borough of Camden – Assurances regarding Routewide Heritage Issues

I am the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (London – West Midlands) Bill ('the Bill') currently before Parliament. I am writing to you on behalf of the Secretary of State for Transport to set out the assurances that the Secretary of State is willing to give in order to address some of the concerns expressed by the London Borough of Camden (the Borough) regarding the impact of Phase One of HS2 (known as 'the Proposed Scheme').

With reference to the above petitions the Promoter and the Borough have engaged extensively and sought to resolve the objections raised by the Borough. As a result of this engagement HS2 is able to provide the assurances in the following areas – the details of which are provided in detail in this letter:

1. Schedule 17 – Listed Buildings
2. Archaeology (Human Remains)
3. Archaeology
4. Non-Designated Heritage Assets
5. Relocation of NDHAs
6. Settlement Deeds/Specialist advice for historic buildings
7. Vibration (trains)
8. Noise (trains)
9. Setting of heritage assets
10. Long term viability of heritage assets

The Promoter fully recognises the importance of listed buildings and other heritage assets and the contribution these bring to the wider historic landscape. The design has sought to avoid or minimise the loss of heritage assets and the impact on listed buildings.

The Promoter has had much positive engagement regarding heritage with the Borough through the Borough's role in the Heritage sub-group of the Planning Forum. Detailed discussions have taken place and significant progress has been made towards resolving the Borough's key concerns as is described in the

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following. Further specific assurances that the Promoter is willing to offer the Borough are in section 11 of this letter.

These assurances are provided on the understanding that they reflect the entirety of the Borough's remaining concerns regarding heritage issues.

I have copied this letter to Alastair Lewis (Sharpe Pritchard), who I understand is acting as your appointed Parliamentary Agent.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Hargreaves', with a long horizontal flourish extending to the right.

Roger Hargreaves
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited

cc. Alastair Lewis (Sharpe Pritchard) alewis@sharpepritchard.co.uk

HS2 Assurances regarding Routewide Heritage Issues

1. Schedule 17 – Listed Buildings

The Heritage Memorandum describes in 7.2.2 that the Promoter will liaise with the Local Authority and Historic England during the preparation of the methodology for the works. The Promoter understands that the Borough would like some clarification of what “liaise” will involve and would like to respond as follows:

With specific regard to Schedule 17, discussions have already commenced regarding preparation of draft Heritage Agreements and the various stages of the Heritage Agreement process through which it is proposed that the Undertakings and agreements will be signed. The Secretary of State will require the nominated undertaker to sign the undertaking and the nominated undertaker, the relevant local authority and Historic England (where appropriate) will sign the agreement. These meetings with the relevant local authorities and Historic England have been productive in ensuring a mutual understanding about the individual designated heritage assets and proposed works.

The starting point for the preparation of the submissions under the Heritage Agreements is likely to be determined by the construction programme and in the case of the listed buildings identified in Table 1, the scheduling of works to demolish or alter the listed building.

The nominated undertaker will seek to precede applications under the Heritage Agreements with a ‘pre-submission’ phase where the nature of the works and the information to accompany the submission will be discussed. These discussions will be held by the nominated undertaker with the relevant local authority and Historic England where applicable and will build upon the engagement that is already taking place regarding the form and content of the underlying agreements. Where appropriate the Heritage Agreement submission may be linked to the submission of requests for approval under Schedule 16 and it may be determined in some instances that multi-disciplinary discussions covering multiple applications are required.

Specific review meetings may be held with the relevant local authority (and Historic England if appropriate) if necessary, with the contractor and relevant representatives from HS2 Ltd attending as required.

It is for the benefit of all parties involved that we continue this engagement as early as possible as the scheme progresses and to ensure that we discuss and agree the content of the application as much as possible prior to submission.

Under the agreements local authorities have the option to refuse approval of works details or specify reasonable amendments or requirements, which we then need to reach agreement on within a certain timescale. Clearly, from a project point of view, we will want this engagement to be meaningful and productive and to keep this kind of toing and froing to a minimum given the possible implications to programme. Lessons learnt from previous projects such as Crossrail suggests that this approach is the correct one.

With specific regard to the Heritage Memorandum (3rd draft) paragraph 7.2.2, we note your concern regarding the use of the word ‘liaise’ and the Promoter is able to provide the following assurance:

1.1 The Promoter will require the Nominated Undertaker to review the terminology of the Heritage Memorandum and consider how to better reflect the nature of engagement, in future iterations of the Heritage Memorandum.

Fees:

The Borough has requested clarification of what fees are covered in Activity 15 of Table 1 (Information Paper C13). The Promoter would like to provide the following response:

HS2Ltd noted that Activity 15 in IP C13 (Local Authority Funding and New Burdens arising from HS2) covers all work surrounding the discussion and agreement of Heritage Agreements. Warwickshire County Council is the lead authority on the issue of recovery of local authority costs.

The Planning Forum was briefed on the DfT/HS2 Ltd position regarding local authority funding and the proposed SLA in Spring 2015.

The HS2 / DfT policy on local authority funding is set out in Information Paper C13 *Local Authority Funding and New Burdens*. See: [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437337/C13 - Local Authority Funding and New Burdens v1.2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437337/C13_-_Local_Authority_Funding_and_New_Burdens_v1.2.pdf).

A first draft SLA was subsequently provided to Warwickshire County Council for comment and review in September 2015.

All Phase One Local Authorities received a copy of the draft SLA in November 2015, including a context note for background and clarification purposes.

Meetings between HS2 Ltd and all relevant local authorities are planned for Q4 2015 – Q1 2016 to discuss this first draft SLA.

Following further negotiations, it is planned to issue the finalised SLA for signature to each relevant local authorities during the above period.

Further information can be provided by your local authority HS2 Planning leads and Warwickshire County Council.

2. Archaeology (Human Remains)

The Borough has requested assurance from the Promoter that proposed wording will be incorporated into requested sections of Generic Written Scheme of Investigation (e.g. para 3.18 and 7.84) and the Heritage Memorandum. The Promoter provides the following assurance:

2.1 The future iterations of the Heritage Memorandum will reflect more succinctly the wording in the undertaking provided to the Archbishops' Council.

HS2 Ltd has already committed to a revision of the Generic Written Scheme of Investigation (GWSI) and has stated that this revision is being undertaken as part of the development of the historic environment research and delivery strategy for Phase One. The Heritage Sub-group has been invited to participate in the development of the strategy which have taken place in November 2015 and included discussion on the research objectives for burial grounds. Once the strategy work is complete a full revision of the GWSI will be made and this will include an expansion of the text relating to burial grounds.

An Undertaking provided to the Archbishops' Council includes that:

- The promoter will undertake a programme of engagement on the preparation of location specific written scheme of investigations for the burial grounds at St James' Gardens, St Mary's and Park Street.

- The Promoter will secure that articulated remains will, where reasonably practicable, be removed from the Burial Ground in which they are buried by hand digging.

The Burial Grounds, Human remains and Monuments Procedure sets out the procedure to be followed in compliance with the requirements of Schedule 19 and associated undertakings provided to petitioners. The procedure relates to the removal of any human remains and associated monuments of any age in any circumstances. The Heritage Sub-group will be consulted on this document prior to its completion.

It is anticipated that the majority of human remains and associated monuments encountered will be during the course of the programme of archaeological investigation and recording works

3. Archaeology

The Borough has asked that intrusive archaeological investigations are carried out as early as possible. The Promoter understands that this is to afford opportunity to alter the design of the scheme and minimise impact should the need arise. The Promoter would like to respond as follows:

The planning and programming of the historic environment works is underway and this will continue during the development of the detailed design process.

The Heritage Sub-group is aware of the strategies, procedures and specifications being prepared by HS2 Ltd/or the nominated undertaker to deliver the Secretary of State's commitment to the historic environment, as set out in the Heritage Memorandum.

These strategies, processes and procedures include the specifications for various types of intrusive investigations.

HS2 Ltd is cognisant of the stages of historic environment works required and the need to programme then accordingly. HS2 Ltd has a team of historic environment specialists embedded within the organisation to work with scheme designers to ensure that as the detailed design progresses the Secretary of State's commitment to the historic environment is achieved.

As previously explained to the Heritage Sub-Group, the services of archaeological and heritage suppliers will be procured through the Enabling Works and Main Construction Works Contractors. The historic environment suppliers will design and implement the investigation and recording works in accordance with the strategies, procedures and specifications set by HS2 Ltd.

Before works begin, the research undertaken for the ES will be reviewed. Where required, for the purposes of delivering historic environment works, additional detailed desk-based assessment and/or field evaluation will be carried out and this will inform the development of location specific mitigation works (a location specific WSI). These documents will be developed in discussion with Historic England and the relevant local authority and will follow the principles set out in the GWSI.

Works may include the protection and preservation of assets in situ (which may be achieved through design), investigation and recording in advance of enabling and construction, and/or the implementation of investigation and recording during enabling and construction works.

The General Principles of the Environmental Minimum Requirements state that the:

"The nominated undertaker will in any event, and apart from the controls and obligations referred to in paragraph 1.3, use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by Phase One of High Speed 2, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme."

Schedule 16 to the Bill establishes the planning regime under which certain details of the HS2 works will require approval from the relevant local planning authority. For certain of these approvals the grounds which the authority may take into account when considering whether to approve, condition or require a modification to a request for approval include "to preserve a site of archaeological or historic interest or nature conservation value". If the local planning authority is a qualifying authority it would have the opportunity to influence the design to take further account of a heritage asset or its setting where it is considered that the design is reasonably capable of being so modified. This will ensure that heritage assets will be considered through the planning process that will apply to the HS2 works.

Further details of the planning regime are set out in HS2 Information Paper B1, The Main Provisions of the Planning Regime.

The Promoter understands that the Borough seeks an understanding as to how the Promoter will minimise the risk of there being insufficient resourcing in the archaeological sector. In particular, the following:

(i) Sharing unique expertise across work sites

(ii) Careful phasing of construction

The Promoter would like to provide the following response:

HS2 Ltd is continuing to discuss with Historic England and industry bodies (Chartered Institute for Archaeologists and the Federation of Archaeological Managers and Employers) how the potential skills and capacity issues can be addressed. An update was provided at the last Heritage Sub-Group meeting (9th September 2015).

As part of the development of the historic environment research and delivery strategy and the other technical strategies, procedures and specifications HS2 Ltd is considering ways to be innovative and challenging in nature, helping refine and develop new techniques and philosophies in the historic environment sector and to provide employment and training opportunities to help develop a skilled workforce.

A further workshop with the Archaeology Training Forum (a delegate body which represents all those organisations which have an interest in the issues of training and career development in archaeology.) was held on 27th November 2015 and HS2 Ltd has an ongoing discussion with Historic England.

We will continue to develop our response in relation to skills and capacity and would welcome input from members of the Heritage Sub-group

Museums and Archives/Distribution of findings

The Borough has requested assurance that local authorities will be consulted during the production of the Physical and Digital Archiving Strategies. The Promoter would like to provide the following response:

These documents will be made available to the Heritage Sub-group in due course; they are going through internal review and governance.

Members of the Heritage Sub-group have attended workshops already held to assist in the development of these strategies.

HS2 Ltd does not consider that a specific assurance on this point is required.

Public Engagement

The Promoter would like to provide the following response to the Borough's request for an assurance that local authorities will be consulted during the production of the research and delivery strategy document:

The nature of heritage-specific community engagement on Phase One of HS2 is emerging as has been reported and will continue to be developed as part of the research and delivery strategy. Members of the Heritage Sub-group have been invited to participate in workshops to develop the research and delivery strategy.

HS2 Ltd would be pleased if the Heritage Sub-group would provide examples of good engagement and outreach to assist in the development of the strategy.

The following assurance has already been provided:

Assurance No. 846: The Secretary of State will require the nominated undertaker to develop a routewide strategy for archaeology and heritage community engagement and outreach with respect to archaeology and heritage. The content of this routewide strategy will be discussed with the Heritage Sub-group.

4. Non-Designated Heritage Assets

The Promoter understands that the Borough is concerned that not all features of local interest have been identified by the Promoter, and that such work should be carried out in conjunction with the local authority. The Promoter would like to respond as follows:

HS2 Ltd highlighted the reference in 5.6.2 of the Heritage Memorandum and section 9.4.4 of the draft Generic Written Scheme of Investigation (G-WSI), which states that location-specific WSIs will be developed in consultation and that this was an opportunity to discuss and provide relevant updated information. It was noted that this information could include new local lists and the local authority would have the opportunity to highlight assets that they believe have been omitted if the local authority has not already informed HS2 Ltd.

5. Relocation of NDHAs

The Borough has stated that there needs to be provision for identifying appropriate NDHAs for storage and relocation. The Promoter would like to respond as follows:

HS2 Ltd has requested Local Authorities provide list of NDHAs to be relocated to HS2 Ltd. Camden has done this.

LBC made specific reference to the Paolozzi sculpture at Euston and the war memorial at NTH, and suggested that it may be non-designated heritage assets in the public realm such as these that are of particular concern, specifically monuments, statutes or similar items as opposed to houses.

Note also para 8.1.9 of COCP (29th June 2015 - 6th bullet point)

6. Settlement Deeds/Specialist advice for historic buildings

The Borough has requested assurance that the wording of Information Paper C3 is revised to incorporate settlement caused by cuttings or other significant excavations into Information Paper C3 and in particular in relation to paragraph 9.7. The Promoter would like to provide the following response:

HS2 Ltd response:

As is normal practice at this stage of development, we have not sought to enter properties where we have no access rights. Assessment thus far is based on desk-based research and professional judgement.

As you are aware, Information Paper C3 Settlement sets out the process by which all structures, including specifically listed buildings, will be assessed for their sensitivity to settlement. Paragraph 4.2 of the Information Paper states that: 'Those for which predicted settlement is 10mm or more, or for which predicted ground slope is 1/500 or more, are subject to a Phase 2 assessment.' This includes Listed buildings.

It states that listed buildings will be subject to an additional assessment in recognition of their sensitivity. Responses to potential settlement will be undertaken on a case by case basis as reflects the individual nature of each listed building. The need for any monitoring of listed buildings will be undertaken where specialists consider it appropriate and necessary.

Paragraph 4.17 states that:

'Settlement assessments for listed buildings have already been completed as far as the first iteration of Phase 3 as set out in paragraph 4.14 above (and paragraph 9.2 below). Non-listed building assessments have been completed to the end of Phase 2. Where buildings have qualified for further assessment, this will take place as part of the on-going detailed design process when the precise construction programme and methodology have been determined.'

Information Paper C3 Settlement is currently under review and the inclusion of specific reference to other types of below ground construction will be considered in the next revision.

Vibration

The Promoter would like to provide the following response to the Borough's request that paragraph 13.2.29 of the CoCP be clarified to ensure that making good of damage to heritage assets is carried out in a way which is appropriate to its significance:

The CoCP is being revised and this comment will be considered as part of the 4th revision

The Borough has expressed concern in relation to the impact on archaeology and Scheduled Ancient monuments, to which the Promoter would like to respond as follows:

The impact on archaeology and Scheduled Monuments formed part of the environmental impact assessment.

As part of the continuing design development of below ground construction HS2 Ltd engineering specialists will review and monitor 'exceptional structures' as those that may potentially be more susceptible to damage. Scheduled Monuments and Listed Buildings are part of this.

If members of the Heritage Sub-group have specific concerns then the Promoter would encourage the Borough to share these.

The Borough has requested that potential damage caused by construction traffic be addressed in the CoCP, with details finalised in the LEMP. The Promoter would like to respond as follows:

The Promoter notes the existence of the lorry route approval mechanism under Schedule 16 para 6 (5) (b) of the Bill. This matter is also addressed in the CoCP.

7. Vibration (trains)

The Promoter understands that the Borough is concerned about lack of guidance or information as to how owners of historic buildings will be compensated for structural damage caused by HS2 train vibrations, and would like to respond as follows:

HS2 Ltd is aware of the potential sensitivity of historic buildings and the need for appropriate repair should that be required.

HS2 Ltd was asked to re-provide links to the relevant information papers in relation to noise and vibration and land and property to provide a greater understanding to the HS-G of the work undertaken and approaches in place.

Information Paper E21: Control of ground-borne noise and vibration from the operation of temporary and permanent railways.

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437402/E21 -
Control of ground-borne noise and vibration from the operation of temporary and permanent railways v1.2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437402/E21_-_Control_of_ground-borne_noise_and_vibration_from_the_operation_of_temporary_and_permanent_railways_v1.2.pdf)

The control of construction noise and vibration is provided in Information Paper E23.

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437410/E23 -
Control of construction noise and vibration v1.3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437410/E23_-_Control_of_construction_noise_and_vibration_v1.3.pdf)

The 2013 Environmental Statement and subsequent Additional Provisions, provide an assessment of the likely noise and vibration significant effects arising from construction and operation of the proposed Scheme specifically in the Sound Noise and Vibration chapters. The findings of this report were considered in the cultural heritage impact assessment.

<https://www.gov.uk/government/publications/hs2-phase-one-environmental-statement-volume-2-community-forum-area-reports-and-map-books/hs2-phase-one-environmental-statement-volume-2-community-forum-area-reports-and-map-books>

Further detail is also available in the 'Impact of Tunnels in the UK', prepared by HS2 Ltd in 2013.

<http://assets.hs2.org.uk/sites/default/files/inserts/Impacts%20of%20tunnels%20in%20the%20UK.pdf>

The executive summary provides a useful insight and figure 0.1 highlights the improvements in ground-borne noise from railway tunnels and there is a range of more detailed information throughout the document relating to vibration.

On operation of the Proposed Scheme, Part 1 of the Land Compensation Act 1973 will apply. The Act allows certain owners of land close to new infrastructure projects to claim compensation for depreciation in the value of that land caused by certain specified physical factors which could be attributed to works, namely noise, vibration, smell, fumes, smoke, artificial lighting and the discharge onto the land of any solid or liquid substance. The measure of compensation is the full depreciation caused to the land by these physical factors. Claims for Part 1 compensation can only be made once the scheme has been in operation for 12 months, and compensation is assessed by reference to the diminution in value of the property.

This is explained further in HS2 Information Paper C8, Compensation Code for Compulsory Purchase. Other sources recommended for reference include the Department for Communities and Local Government's Guides to Compulsory Purchase, a copy of which can be found at www.gov.uk/government/collections/compulsory-purchase-system-guidance and the Land Compensation Manual, which can be found at www.voa.gov.uk/corporate/Publications/Manuals/LandCompensationManual/toc.html.

8. Noise (trains)

The Borough acknowledged the requirement on the Promoter to provide noise insulation and the obligation to achieve appropriate permissions under planning and listed building legislation. The Borough has also requested assurance that Information Paper E20 will be re-worded so that noise insulation is tailored to the significance of the building, to which the Promoter would like to provide the following response:

The following assurance was given to Chiltern District Council to cover operational noise and vibration but it applies to all local authorities and would include noise insulation measures.

"The Secretary of State will require the nominated undertaker to share with the Local Authority Environmental Health Departments information that is relevant to understanding the noise and vibration performance of the control measures adopted during the design of the Proposed Scheme for receptors within their administrative area."

Where works are required to a listed building to protect the occupants of the listed building from adverse noise effects, the nominated undertaker will develop a scheme appropriate to the listed building. If it is determined that these works would be of a nature that would otherwise require listed building consent, the nominated undertaker will have to apply for listed building consent from the relevant local planning authority in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Noise insulation measures, including ventilation where required, will be offered for qualifying buildings as defined in the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 and the Noise Insulation Regulations 1975 (as amended 1988)

9. Setting of heritage assets

The Borough has requested that the Heritage Memorandum be revised and that the Bill be amended to specifically refer to the setting of the heritage asset (Schedule 16 Section 2(5) (a) (iii)). The Promoter would like to provide the following response:

HS2 Ltd has already stated that this will be considered during the preparation of the 4th draft of the Heritage Memorandum.

The point previously made by the Borough (10th June 2015) and set out below, will be considered during the preparation of the 4th draft:

5.2.2. – The greater emphasis on protecting the setting of the heritage assets is welcomed. However the use of words such as "desirability" and "reducing harm" do not provide an adequate commitment. It is appreciated that there may be cases where harm cannot be avoided however there should be a commitment to avoid it or keep this to a minimum, not just reduce it.

I request the replacement of the phrase "...and the desirability of reducing harm to the significance of these assets..." be replaced with "...and minimising of harm to the significance of these assets..."

The Promoter does not consider that a specific assurance on this point beyond what is already noted would be appropriate.

Schedule 16

The Promoter does not consider it necessary to specifically refer to setting in Schedule 16 Section 2(5) (a) (iii). The setting of a heritage asset would be material to the consideration of a request for approval under Schedule 16 and therefore could be a reason for refusal. However the Promoter is able to provide the following assurance:

9.1 In the statutory guidance issued under paragraph 26 of Schedule 16 to the Bill the Secretary of State will include clarification that the reference in paragraph 2(5)(a)(iii) of Schedule 16 to preserving a site of archaeological or historic interest should be taken as including reference to preserving its setting.

10. Long term viability of heritage assets

The Borough has requested that the Promoter produce management guidelines for buildings in their ownership covering regular inspections, maintenance and implementation of mitigation. The Borough has also requested that mitigation measures are still offered for listed buildings affected by HS2 after they are returned into non HS2 ownership for a defined period.

The Promoter would like to respond as follows:

Regarding the production of management guidelines, the HS2 Ltd has appointed a professional property management in line with all relevant requirements to manage the property portfolio.

Listed or historic buildings that are required for construction will be acquired under the relevant Bill powers, or schemes described above, and appropriately managed. For all properties, route-wide professional property management agents have been appointed by the Promoter to manage the estate. The property management agents are contracted to comply with all relevant Statutory requirements in the management, maintenance, letting, security and selling of these properties.

Properties that are not required for the operation of HS2 will be disposed of in accordance with the Land Disposal policy (see HS2 Information Paper C6, Disposal of Surplus Land). As explained in this HS2 Information Paper, property owners may be offered the opportunity to buy back such property at the open market value.

Other relevant property related information can be found at:

<https://www.gov.uk/government/publications/hs2-information-papers-property-and-compensation>

Regarding the Borough's second request, that mitigation measures be still offered for listed buildings affected by HS2 after they are returned into non HS2 ownership for a defined period, the Promoter notes that the mitigation for the effects of the HS2 works will be developed during the detailed design process and qualifying planning authorities will under paragraph 9 of Schedule 16 be able to ensure that all reasonably practicable measures to mitigate the effects of HS2 have been included in the design. This will ensure that suitable mitigation for the effects of the railway will be in place when the railway is operational. Reference is made to the Bringing into Use approvals referred to in section 3.

Paragraphs 9.7.8 and 9.7.9 of Volume 1 of the Environmental Statement (paragraphs 9.7.8 and 9.7.9) state that:

‘Mitigation measures have been developed in consultation with other disciplines, notably landscape, to ensure that heritage assets have been incorporated into mitigation works such as sympathetic design to the local landscape or townscape. Further discussion with other disciplines will be undertaken during detailed design to identify any further measures that can be incorporated to avoid or reduce impacts on cultural heritage assets.

Where there may be an effect on the viability of an asset, potentially leading to dereliction or changes in managements affecting heritage assets, mitigation will be addressed on a case by case basis with the community and any other relevant stakeholders. Mitigation measures will take account of the range of effects that have been identified in the ES’.

The Promoter does not accept open-ended undefined liability as the compensation and protection measures above are sufficient to protect the historic and listed buildings that may be affected.

Should the Promoter be made aware of specific concerns in relation to specific listed buildings then, as set out in Volume 1, the Promoter will address these matters on a case by case basis.