



28 February 2018

Dear ,

Request for Information – ATISN 11968

I wrote to you on 7 February regarding your request for information. You asked for information relating to a grant of close to £1 million that was accepted by the Golden Grove Trust in 2015 for the benefit of Gelli Aur Country Park in the Towy Valley:

1. The grant application.
2. The terms and conditions of the grant as set out in the grant agreement and/or any other document setting conditions.
3. The amounts and dates of any payments made to Golden Grove Trust/ Richard Salmon in relation to the grant.
4. Information relating to the basis on which the grant application was made, including correspondence with Golden Grove Trust/ Richard Salmon showing the basis on which the grant application was made. (We estimate that the time frame for this correspondence would range between 2011-2015.)
5. Information relating to the basis on which the grant was awarded including correspondence with Golden Grove Trust/ Richard Salmon. (We estimate that the time frame for this correspondence would range between 2011-2015.)
6. Information detailing how the grant has been spent, such as correspondence with Golden Grove Trust/Richard Salmon (likely between 2015-2018), invoices, receipts and/or accounts.
7. Details of any inspections, reviews and/or meetings carried out by the Welsh Government in order to confirm whether the terms and conditions of the grant have been complied with, between 2011 and 2018.
8. Details of any inspections, reviews and/or meetings carried out by the Welsh Government in order to confirm whether sufficient access to Golden Grove has been granted to the public.
9. Correspondence between Golden Grove Trust / Richard Salmon and the Welsh Government relating to the appointment of Christopher Salmon as a trustee.
10. Information relating to any remuneration payable to the trustees (if not included in the terms and conditions of the grant) of Golden Grove Trust.

I can confirm that we hold some information relating to your request. For questions 1 and 2, I have enclosed the grant application and award letter which set out the relevant terms and conditions. For question 3, a payment of £50,000 was made on 27 April 2016.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Information relating to questions 4 through to 8 can be seen at Annex A below. I have concluded that any personal information held within the disclosed information at Annex A is withheld from disclosure under Section 40, personal data of the Freedom of Information Act 2000. Full reasoning for applying this exemption is given at Annex B to this letter.

For questions 9 and 10, I can confirm that we are not aware that a person specifically known as Christopher Salmon has been appointed as a Trustee to Golden Grove Trust and there is no trustee remuneration or other benefits from August 2014 to the August 2017 accounts.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or FreedomOfInformationOfficer@wales.gsi.gov.uk. Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

ANNEX A

1. Information relating to the basis on which the application was made 2011 – 2015:

Much of the correspondence was to third parties, and not to Richard Salmon. The application was invited under the Tourism Investment Support Scheme (TISS) through which capital support can be considered to tourism projects, for infrastructure or product development. An application was received dated 28/02/15 (enclosed).

Application Invite E Mail, 19/12/2014:

Dear,

Golden Grove Trust, Tourism Investment Support Scheme

I much appreciated the opportunity to meet you and discuss the Gelli Aur Gardens project (Phase 1). As discussed, you will need to complete the attached TISS Application Form and enclose all of the information listed under the 'Checklist' at Section 6 of the form. Before completing the application form, you should refer to the 'Guidance Notes' (at the back of the form). Please could you pass this information onto

I also enclose financial templates for Cash Flow, Profit & Loss and Balance Sheet figures forecasts, which you may like to use. Whatever version you use, please read the Guidance Note on Page 2 of the enclosed forecasts first. The financial forecasts should not include any potential TISS support, but you will clearly need to make some assumptions as to the wider funding package. They should be presented monthly, and should cover both the development period and first trading years. Please provide detailed assumptions (for the projections) and provide previous accounts for the Trust, together with management accounts (or bank statement) that verifies the opening balance on your forecasts.

The scale of the funding gap at up to £1m against a £1.346m cost is unusual and, as such, I cannot be clear at this point as to the challenges that might arise relating to State Aid and Value for Money. The decision to move forward is therefore subject to positive resolutions to these and any other points emerging from the due diligence process. We have in other words to go into this with an open mind.

You can return these forms to me electronically at<mailto:lawrence.manley@wales.gsi.gov.uk>. However, you will also have to provide a signed hard copy of the application form. All of this information should be provided to me by 31st January 2015. We are not able to accept an application received after this date.

As part of our assessment of all projects, we consider a number of factors including the effect of the project on quality, the benefits of the project to the wider tourism economy, and the market for an additional garden product (Phase 1), albeit I accept this forms part of a wider vision for Gelli Aur. It would be useful if you could comment on these aspects in your application.

Sense of Place

The Welsh language should be considered as part of the project and the application should demonstrate how it will be used to enhance the visitor experience. Use of the Welsh language can develop a sense of place and strengthen customer service and free support and advice is available from the Welsh Language Commissioner on how to incorporate the language into your business. Please contact the Welsh Language Commissioner on post@welshlanguagecommissioner.org or phone 08456033221 for more information.

Earlier Offers of Support from the Welsh Government

When assessing a new application for TISS, we will routinely check that applicants have complied with the terms and conditions attached to any earlier offers of support.

We will investigate non-compliance with any of the conditions attached to earlier offers of support. This could delay consideration of a new TISS application and may result in us being unable to offer further grant assistance to your business. While I understand the Stables project is separate, it would nonetheless be useful to receive a progress report of that project, within the application papers.

I look forward to receiving the application but if you have any queries in the meantime, please do not hesitate to contact me. For the sake of completeness, you should not presume that any offer of support will be made. The Welsh Government is not liable for any expenses incurred during the preparation, submission or assessment of the application.

Internal WG E Mail 26th March 2015:

.....tourism officials have been appraising an application from Gelli Aur regarding Phase 1 of their proposals to develop the gardens, terraces, parkland and arboretum. Specifically the restoration works are as follows:

- Fees related to the project, including a landscape restoration plan.*
- West Lodge (to be visitor accommodation), driveway, and approach.*
- Car park, cafe, and facilities (eg. play area).*
- Southern terraces and southern setting of the mansion.*
- Renovation of the Arboretum.*
- Interpretation and historic trails.*
- Eastern terraces and Eastern approach drive.*
- Northern terrace and formal gardens.*
- Deer Park.*

The project complements the Tourism strategy and 'brand pillars' in (a) supporting living Welsh culture and, and (b) in the development of heritage and cultural products that will add value to the tourism offer in the region. Gelli Aur, being of a different period and character, is complementary to the other garden offerings of the Towy valley and region, marketed as 'The Garden of Wales'. In conjunction with Aberglasney, Dinefwr and the National Botanic Garden at Middleton Hall it will enable the visitor to enjoy an extraordinary cluster of a history of landscapes.

The funding requested is £989k. This breaks down as:

15/16 £126k

16/17 £371k

17/18 £492k

*The funding will be provided via the Tourism Investment Support Scheme (TISS).
tourism officials will now take this forward as tourism infrastructure.....*

2. Information relating to the basis on which the grant was awarded 2011 – 2015:

Much of the correspondence was to third parties, and not to Richard Salmon. The basis on which the funding was awarded is detailed in the offer document and Terms & Conditions enclosed. The support was provided under the GBER- Aid for Culture and Heritage Conservation registration SA.39256. Details of the scheme can be found at:

<http://intranet/English/Money/StateAid/Pages/GeneralBlockExemptionRegulationregistered>

Monitoring Letter 29/09/2015

Dear Mr Salmon

TOURISM INVESTMENT SUPPORT SCHEME (TISS) Award of Funding letter dated: 14th August 2015

[schemes.aspx](#);

Thank you for accepting and returning your TISS Award of Funding letter. As the TISS monitoring officer responsible for managing your offer during the payment phase, I will be monitoring the progress of your project as well as processing your claims for payment.

The monitoring team is here to help and advise you and by working together we hope to ensure the TISS Award for Funding runs smoothly and your claims are paid promptly.

In your Award for Funding letter it was forecasted that:-

- By 29th February 2016 you would defray spend of £100,000 on the project costs, safeguarded 0.5fte jobs, £50k invested in the Trust by Richard Salmon, revised programme of works and output to enable an improved, extended access to the park and its facilities and a copy of the offer letter, enabling you to claim the first grant instalment of £50,000.
- By 28th February 2017 you would defray spend of £250,000, safeguarded 0.5fte jobs, a further £50k invested in the Trust by Richard Salmon, evidence that £50k has been paid to the Trust by the Getty Foundation, enabling you to claim the second grant instalment of £50,000.
- By 28th February 2018 total defrayed spend on the project would be £1,339,800, safeguarded 0.5fte jobs, created 7fte jobs, a further £200k has been invested in the Trust by Richard Salmon and the project is completed, enabling you to claim the final grant instalment of £889,800.

We therefore expect to receive your **first claim by 31 March 2016, second claim by 31 March 2017 and your final claim by 31 March 2018**. Please find attached a claim form for your perusal.

With your claim we will need an independent accountant's report (audit certificate template) a copy of this is attached to the email. This report will be required to verify the amount spent on the project costs and jobs created/safeguarded to date.

We will also need to see confirmation that the funding pre-conditions, **page 1 and point (b)** of your Award for Funding letter have been met at the time of your claim submissions. The information that needs to be supplied is:

With your first claim:-

- Please complete the PL8 form as all payments are made via BACS.
- Evidence that the Gelli Aur Asset has been transferred to the ownership of the Golden Grove Trust. **Copy of the legal documentation confirming this will be required.**
- Before release of each instalment the Golden Grove Trust evidences that it has sufficient funds to complete the project. **E.g. bank statements, etc.**
- Before release of first instalment the Golden Grove Trust commits and evidences its contribution to the project of £300,000 and also evidences the funding from the of £50,000.
- Provide evidence via an independent accountant report that the previously approved Stables project has been completed and also it will be visited by a TISS official.

With your final Claim

- Prepare funding applications (to HLF, Foundations and others) to fund the wider project within 18 months of the date of this offer and provide evidence that such bids have been submitted before release of the final payment of this grant.
- Within 18 months of this offer you provide an update on what works have been undertaken to engage with local training providers and colleges.

3. **Information detailing how the grant has been spent 2015 – 2018:** *The defrayal of costs relevant to the £50k payment (as referred to in (2) as above is verified by an independent accountant report (enclosed) which was the norm at the time of verifying cost defrayed. The itemised statement of costs related to this payment as extracted from a minute dated 21st April 2016 is as follows:*

Itemised statement of costs:

Description/particulars	Schedule 2/Forecast spend (£'000's)	Total actual (£)
Landscape, garden structures restoration	494,000	64,800
Visitor amenities	212,000	
Access (parking and accessible approaches)	89,000	4,800
Tree and shrub management	80,000	
Children's recreation area	25,000	

Staff accommodation	13,000	
Wildlife management	8,000	
Fencing	10,000	
Fees	183,000	26,556
Interpretation	225,800	4,975
Total	1,339,800	101,131

4. Details of any inspections, reviews, meetings by WG to confirm if conditions have been met 2011 – 2018.

WG Notes of meeting with Golden Grove Trust at Gelli Aur Mansion on 13 September 2016

-pointed out the northern terrace area (at the back of the house, near tennis court) and the southern terrace - steps leading up to the arboretum (opposite the entrance of the house).
- Stable block – pointed out the work that had been done to the roof. We walked around to the side entrance andindicated where the toilet block used to be. This area of the building will eventually house the interpretation centre and ticketing office. I also saw the area where several garages used to be. A timber shed is still to be removed.
- Café – We viewed this from the outside. I could see the kitchen and counter area. I was told there would be 40 covers in the café.is already speaking to a caterer. The food will be limited but delicious. There is an outside terrace also for tables. The terrace is made up of a decked area with surrounding fencing that needs changing for health and safety reasons. Part of this area and the walkway leading to the toilets will be covered and so act as a shelter from the elements. There is a cold storage area to the left of the café and a greenhouse which wants to be used as a kitchen garden for the café. The toilets will be built on concrete platforms and be entirely movable.
- Car Park –explained earlier in the week on the phone that various trees are to be removed from this area. The car park will also need to be expanded.
- Children's area – The play area equipment has been taken down with many of the pieces lying dismantled in the car park.
- The Drive – we walked down the drive to West Lodge.

Work plan:

- Website
- West Drive
- Car Park
- Café – this will be fully functioning with opening hours of 9am – 7pm.
- Lavatories
- The deer park wall work will have been progressed
- Mapped out project for different drive path
- Plans (by June) of how the quarry garden will work
- Stone culverts/drain work – flow into quarry

- Boating pond in deer park – will have been lined ready to be filled and horticulture arranged
- Lake in mansion house field – trees around it to have been taken down and the provision of water to the lake to have been cleaned up and willow trees planted
- Children's play area – y2/y3
- Interpretation Centre West Block Stable Area – initial works undertaken
- West Lodge – This is a priority and should be completed and available in July/August 2017

18/11/2016 Internal WG E Mail

..... met with Richard Salmon (Trustee) and (Advisor) on the 13th September 2016 to review progress to date. Discussion included:

- A refresh of the business plan.
- An application made to HLF regarding the restoration of the mansion.
- Website development.
- The plan to bring the visitor facilities back into use.

15/04/2017 E Mail to Richard Salmon:

Thanks for your email. I have reviewed the claim plus the new information and have set out the way forward below:

Grading of the lodges

The web link takes you to a page that explains the benefits of joining the grading scheme:

<http://gov.wales/topics/tourism/grading/1/gradingschemebenefits/?lang=en>

- *an independent assessment of what guests can expect to find at your accommodation*
- *an assessment report showing your strengths and outlining areas for improvement, with individual scores for each assessed area of the business*
- *a certificate and free sign to display at your establishment to highlight your star rating*
- *use of Visit Wales logo in your promotional literature and on your website*
- *access to Visit Wales marketing opportunities including an entry on the Visit Wales website.*

I can also arrange for a grading advisor to come out and see the lodges to advise you in the first instance on what is required to achieve the desired grade. Please let me know when you are ready to proceed with this.

Deeds

An alternative to getting me a copy of the deeds is to get your solicitor to confirm in an email to me what is owned by the Golden Grove Trust and any specific terms and conditions that may apply to the ownership?

Golden Grove Ventures

We will need this new company to become part of the existing offer given that this company will receive the income from the trading activities i.e. we need to transfer the existing offer to both companies via a document to be drawn up by us. I will liaise with our Legal Services Department on this and get back to you. We do not require this document to be signed before the payment of the first claim but we will need it signed before payment of the second claim.

Gelli Aur – Discussion Points re Meeting 15 Sept 2017 10:30am

1. Second claim received 23 March 2017.

This is payable on:

- spend of £250,000
- 0.5 FTE safeguarded.
- A further £50k invested in the Trust by
- £50,000 paid to the Trust by

Items outstanding:

- Signed claim form
- IAR
- Some invoices and bank statements
- Evidence of Richard's £50,000 investment
- Evidence ofoffer
- Accounts
- HLF business planning update
- Deed of novation

2. Progress of Works since last meeting on 17 February 2017

Spend to date re claims 1 & 2

Eligible project cost heading	Total cost in offer	Claim 1 spend	Claim 2 spend	Total
L'scape and garden restoration	494,000	64,800	73,230	138,030
Visitor amenities	212,000		27,960	27,960
Access (parking and accessible approaches)	89,000	4,800		4,800
Tree & Shrub mgmt.	80,000		1,933	1,933
Children's recreation area	25,000			
Staff accomm.	13,000			
Wildlife mgmt.	8,000			
Fencing	10,000			
Fees	183,000	26,556	39,376	65,932
Interpretation	225,800	4,975	7,425	12,400

TOTAL	1,339,800	101,131	149,924	251,055
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Internal Review 9/02/2018

Pre-conditions:

- *Evidence that the Gelli Aur asset has been transferred to the ownership of the Golden Grove Trust on terms acceptable to the Grantor.....* **CONDITION MET.**
- *Before release of each instalment the Golden Grove Trust evidences its ability to support the proposal from a financial perspective and has sufficient working capital to complete the project.*
- *Before release of the first instalment the Golden Grove Trust commits to and evidences its contribution to the project of £300,000 (as set out in the business plan), and evidences funding from theof £50,000.* **CONDITION MET.**
- *The applicant evidences via an independent accountant report, and a completion visit by a TISS official, that the previously approved Stables project has been completed to the grantor's satisfaction.....* **CONDITION MET.**
- *Receipt of a revised programme of works and outputs, which enables an improved and extended access to the park and its facilities, to the satisfaction of the grantor.....* **CONDITION MET.**

Conditions linked to future instalments:

- **HLF - CONDITION MET.**
- *The applicant provides an economic impact report of the effect of Phase 1 no later than 6 months before the end of the conditions period. **TO BE PROVIDED AT PCM STAGE (NOT RELEVANT NOW).***
- *Within 18 months of the date of the offer the applicant provides an update on its work to engage with local training providers and colleges. **CONDITION MET.***
- 5. **Details of any inspections, reviews, meetings by WG to confirm whether there has been sufficient access to GG to the public.**

11/11/2016 Internal WG E Mail

.....There has been discussion also of public access to the park. Although full access will not be possible until the project has completed, we have impressed upon the Trust the importance of access (even if partial) and a positive communication plan as to the plans for the site and public engagement. NB Pedestrian access is currently permitted.

E Mail to R. Salmon 7/08/17

I understand that and I are due to meet you and your team on 18th August at Gelli Aur. I thought I would note here some agenda points that I would most appreciate your comments upon at the meeting, in the hope that we can use this as a positive step forward. The main points are:

- *The intention of the project in part was to enable a degree of access to the grounds in the earlier phases, which would allow visitors to experience part of the site, serviced by some amenities such as the café and toilets.*

E Mail from Golden Grove 21/08/2017

.....I am putting together and will shortly send you a costed projection on what can be spent on the agreed programme of work at Golden Grove this financial year. As discussed on the 15th September, our priority will be to re-open the country park - the area of Golden Grove west of the stable block - to the public by the Spring of 2018 with a fully functioning cafe, public toilets, car parking, children's play area and exterior terrace, viewing platform and seating. We will however be ambitious with the rest of the restoration, interpretation and public access proposals looking to see as much progress in this financial year as possible but with a safety net which allows some spending spillage into 2018/19 should that prove unavoidable especially given that I still need confirmation on completion dates from contractors and suppliers on some elements of the proposed works, the weather is unpredictable and that delays can occur.

E Mail 10/11/2017 to R Salmon:

We received a Review from (dated October 9th 2017) including a 'costed programme of works'.....

The costed programme covers five areas, and a range of project works. The outcome of this project must be to enable public access to the gardens, creating a first phase of a visitor experience. To that end the visitor facilities created such as the tea room, visitor toilets, play area, access & parking, landscaping to ensure the quality of the welcome, directional bilingual signage and interpretation, must be delivered and sustained. Therefore spend must be in these areas as a priority.....

ANNEX B

Section 40 – Personal Data

Section 40 of the Freedom of Information Act sets out an exemption from the right to know if the information requested is personal information protected by the Data Protection Act 1998 (DPA). Personal data is defined in Section 1(1) of the DPA as: *“personal data” means data which relates to a living individual who can be identified from those data; or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”*.

I have concluded that, in this instance, the withheld information within the Departure Request amounts to third party personal data.

Under Section 40(2) of the FOI Act, personal data is exempt from release if disclosure would breach one of the data protection principles. I consider the principle being most relevant in this instance as being the first.

The first data protection principle states:

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -

(a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

I consider that the withheld information in relation to names and contact details falls within the description of personal data as defined by the DPA and that its disclosure would breach the first data protection principle. The first data protection principle has two components:

1. Personal data shall be processed fairly and lawfully and
2. Personal data shall not be processed unless at least one of the conditions in DPA schedule 2 is met

Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.4) states:

If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

“The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. There was no need in the

present case therefore to consider whether any other Schedule 2 condition or conditions could be met because even if such conditions could be established, it would still not be possible to disclose the personal data without breaching the DPA” (paragraph 63).

Our analysis of the ICO’s key considerations in assessing ‘fairness’, as set out in the Guidance, are presented below.

The withheld information amounts to the personal data of civil servants and employees of an organisation who do not have public facing roles and would not expect their names to be released in this context. There are set procedures in place for members of the public to contact both the Welsh Government and local authorities using generic contact mechanisms. Having such systems in place means members of the public do not make direct contact with officials and avoids those officials dealing with potentially unnecessary and disruptive correspondence. In this context, the civil servants were liaising with the organisation as part of their normal course of business. In doing so, there would be no expectation that their personal details would at any time be placed in the public domain.

The Welsh Government does not believe there is any legitimate interest in the public or the requestor having access to this information, and we do not see any legitimate reason why the names of the officials or company employees need to be placed in the public domain. Because of that, it is believed release of this information would be unfair and so breach the first data protection principle. Despite withholding information of individual details, it remains clear which organisation was involved in the discussions you have described, which is the primary factor.

For that reason, I believe the information should be withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.