



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed,
Parc Nantgarw, Caerdydd, CF15
7QQ

Plas Carew, Units 5/7 Cefn Coed,
Parc Nantgarw, Cardiff, CF15 7QQ

Date: 12 February 2021

Dear

ATISN 14772 – Ring of Iron Sculpture

Information requested

Thank you for your request which I received on 16 January 2021. You asked for:

- The details of - including dates, time spent and groups involved - any consultation that was carried out by Welsh Government, Cadw, Visit Wales or Arts Council Wales with local stakeholders prior to selecting the Iron Ring sculpture for this site.
- A copy of any reports and communication between Welsh Government, Cadw, Visit Wales and Arts Council Wales resulting from these consultations.
- A copy of any communication from members of the public, received by Welsh Government, Cadw, Visit Wales and Arts Council Wales, following the announcement of the sculpture.
- A copy of any reports and communication between Welsh Government, Cadw, Visit Wales and Arts Council Wales regarding the decision to cancel the project.

Our response

The information you requested is enclosed:

The first two requests asked for:

- The details of - including dates, time spent and groups involved - any consultation that was carried out by Welsh Government, Cadw, Visit Wales or Arts Council Wales with local stakeholders prior to selecting the Iron Ring sculpture for this site.

And

- A copy of any reports and communication between Welsh Government, Cadw, Visit Wales and Arts Council Wales resulting from these consultations.

Public consultation was not undertaken and as such no reports were created.

The third request asked for:

- A copy of any communication from members of the public, received by Welsh Government, Cadw, Visit Wales and Arts Council Wales, following the announcement of the sculpture.

Twelve emails were received (eleven addressed to the Cabinet Secretary for Economy and Infrastructure and one to the First Minister). Five FOI requests were received. Two direct messages from Facebook were received.

Cadw also received a number of emails through its general mailbox but these have since been deleted in line with mailbox retention protocols.

The twelve communications and Facebook messages are provided at Appendix 1.

The FOI requests are publically available at:

https://gov.wales/publications?keywords=flint&%20All%20=All&%20All%20=All&publication_type%5B3%5D=3&published_after=&published_before

The fourth request is for:

- A copy of any reports and communication between Welsh Government, Cadw, Visit Wales and Arts Council Wales regarding the decision to cancel the project.

A copy of the notes from a meeting held with stakeholders on 25 August 2017 concerning the sculpture at Flint Castle, a Ministerial Advice document MA-P/KS/2990/17 concerning the advice to cancel the project, and the subsequent press release are provided at Appendix 2.

It should be noted that for all these requests, copies of any communications received by Arts Council Wales are not held.

In the information below, I have redacted the personal data of correspondents, which I have found to be exempt under S.40 of the Freedom of Information Act (Personal Data). My reasons for applying this exemption are in Appendix 3.

Next steps

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 Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.



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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



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Appendix 1

1. EMAILS RECEIVED AFTER ANNOUNCEMENT

Greetings. My name is _____, I live in Derbyshire. I see today on the BBC news you approve of a sculpture called the Ring Of Steel at Flint and which will cost £395000. I do not believe that in this age we live in that any monument or sculpture embraced by a government should seem to celebrate any such thing as a "Ring of Steel" or wall or manacle or weight on a man or woman. Please abandon this thing. I find the explanation for the meaning of the ring from Geo King Archs. fatuous and waffling, serving only to sell this idea to the Welsh people in return for an inflated fee which could be put to far better use.
Yours faithfully

Dear Mr Skates,

may I express my utter horror at the proposal to erect an Iron Ring artwork at Flint Castle. At first I assumed that the symbolism must be coincidental, but to find that the architect's submission deliberately references the English Ring of Iron castles is an appalling insult to the people of Wales. This represents so much more than the English view of a colourful episode in the rich tapestry of British History. For which we should read English History. The marginalisation of Wales created by the English conquest continues to this day. The UK Government underfunds Wales through the discriminatory Barnett Formula and proposes to cut Welsh representation at Westminster by a quarter.

This of course you know, and I hear the argument in favour of investment in the local area. As a local man I'm sure you are aware that the area needs a lot more than a few extra low paid tourism jobs. Please scrap this insulting proposal and spend our money on something more worthwhile.

Yours faithfully

Dear Mr Skates, I implore you to stop this ridiculous project. Investing in Fflint is welcomed but the nature of this sculpture is insulting to the nation of Wales

I genuinely feel hurt by this. Admit your misjudgement and pull the plug now.

Yours sincerely,

Dear Minister

Oppression and conquest by tyrants shouldn't even appear to be getting celebrated. It may be argued that such celebration will not be the purpose of the construction; but it has become obvious that people are seeing it that way and are dismayed and angered. We should celebrate rather the survival and ultimate revival by peaceful and democratic means of the formerly conquered. (That is why you are privileged to



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be a Minister in a Welsh Government. Your mediaeval predecessors were beheaded by the tyrants!)

I am surprised and disappointed that a Labour Government can be supporting this project. We should have a project that celebrates the power of oppressed peoples to survive, as has happened here in Wales and in Eastern Europe and other parts of the world.

Thanks for reading

(translation of email originally sent in Welsh)

Good afternoon

I attach a letter expressing my opinion on the Government's plan to support the installation of a massive steel around Flint Castle. As you can see, I have also sent it to those Assembly members who represent me in Cardiff Bay. I look forward to your prompt response.

Yours faithfully

Ken Skates, A.C.,
Ysgrifennydd dros yr Economi a'r Seilwaith
Llywodraeth Cymru
Caerdydd
26 Gorffennaf 2017
Annwyl Ysgrifennydd

Testun gofid a phryder sylweddol i mi oedd deall bod bwriad gan Lywodraeth Cymru gomisiynnu darn o gelf ar safle Castell Y Fflint, a hwnnw'n ddarn o gelf cwbl anaddas a dilornus i ni fel Cymry. Hoffwn ddatgan fy ngwrthwynebiad llwyr i'r prosiect hwn, a hynny am y rhesymau a ganlyn

1) Mae symboliaeth y darn celf yn cyfleu neges diamwys ein bod fel gwlad yn dathlu ein gorestyngiad i rymoedd creulon brenin Lloegr yn unol â'r ddelwedd a gyfleir gan "the ring of iron".

2) Mae'r ffaith i'r darn gael ei gynllunio gan gwmni o Lundain, ac y bwriedir i'r cwmni hwn ei adeiladu, yn anghredadwy. Oni ddylai Llywodraeth Cymru fod yn hyrwyddo artistaid o Gymru l ddylunio ac adeiadu darnau celf addas i'n cenedl a'n cyfnod?

3) Fel brodor o Sir y Fflint, ac un sydd wedi byw a gweithio yno am flynyddoedd lawer, mi fasa'n destun embaras llwyr i mi ein bod yn cael ein gweld fel sir sy'n ymhyfrydu yn un o gyfnodau tywyllaf ein hanes fel cenedl.

Hoffwn awgrymu bod y cynllun hwn yn cael ei ddileu ar fyrder, gan ystyried wedyn comisiynnu darn celf addas i hyder newydd Cymru yn ei hunaniaeth.

Yn gywir

Dear Mr. Skates,

A more inappropriate, poorly conceived p.r. disaster than the so called "Ring of Iron" (or "Anus of North" as I hear it more commonly referred) would be hard to imagine.



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If the plan was to insult and demean Wales and revel in the historical and modern oppression meted out to us by our English overlords, then mission accomplished! Donald J Trump himself couldn't have come up with a more wildly horrible idea than this one.

I hope you will have the good sense to revisit this plan and place it unceremoniously in the rubbish bin where it belongs.

With best wishes and good luck for your tattered future in politics,

Dear Minister

serious misjudgement about the proposed sculpture, please abandon the plan and replace it with one we can support and be proud of.

Annwyl Weinidog,

Re/Parthed : Iron Ring sculpture

I was rather surprised to read in the press earlier this week, reports concerning the government's proposal to commission a £395k monumental Iron Ring sculpture at Flint castle, and that the motive for commissioning this monument was the fact that we are celebrating the achievements of "incredible people from our past " in the hope that this will attract " more people to visit the site".

Leaving aside the costs, the key question surely, is should we, in this day and age, be celebrating the achievements of Edward I ; surely, one of the most cruel and ruthless of medieval monarchs?

As you know, Edward I conquered Wales in 1282, and soon after this he began to construct his iron ring of castles in order to subjugate and subdue the people of North Wales. This, in many places, involved forcibly removing the local inhabitants. Here on Anglesey, the building of Beaumaris Castle, commenced in 1295, meant that inhabitants of the nearby Welsh town of Llanfaes were forcibly moved to Newborough, a new settlement, twelve miles away on the south coast of Ynys Môn. These new towns, built alongside the castles, were then populated with Norman-French settlers, and the local population was only allowed in on market days.

However, there is also another issue that questions the wisdom this proposal to commemorate the achievements of Edward I - namely the anti-semitic policies pursued by the king. Edward I not only made the Welsh second-class citizens within these new towns, he also targeted Jews. In 1274, Edward I enacted the Statute of Jewry which stipulated that : "... each Jew after he shall be seven years old, shall wear a badge on his outer garment that is to say in the form of two tables joined of yellow fait of the length of six inches and of the breadth of three inches."

This anti-semitism is again manifest in the charters which established the new boroughs of North Wales. The Beaumaris charter (1296) for example, (which is similar to the others issued), stipulates that Jews "shall not at any time " live in the borough. So, to conclude :



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- Should we be celebrating the achievements of a rampant imperialist who waged a cruel and unnecessary war against the people of both Wales and Scotland?
- Should we be spending scarce public money in order to celebrate the life of a man who forced Jews to wear yellow badges ; barred them from living in towns, and who ultimately in 1290, expelled them from his kingdom?
- Finally, will foreign tourists, once they discover the real truth behind the Iron Ring, really be interested in coming here to Wales to celebrate the dubious achievements of Edward Longshanks?

I would urge you to exercise caution as regards this matter.

Dear Ken

I was surprised that you should associate yourself with the proposed inartistic but, as is usual in the case of public monies, highly-priced proposal to disfigure the environs of Flint Castle with a bo(ring) metal casting. I was surprised that you should associate yourself with the proposed inartistic but, as is usual in the case of public monies, highly-priced proposal to disfigure the environs of Flint Castle with a bo(ring) metal casting. There is much clear and very well articulated opposition to this inappropriate waste of funds but , if it should fly in the face of popular opinion - always possible where politicians are involved - may I suggest it be named "The Ring of Austerity" since it would serve for no better purpose than to illustrate the ability of the custodians of public funds to squander our money whilst reminding us that times are hard and that belts must be tightened.

On the topic of waste, would it be too much to hope that lessons might for once be learned from the shambles of the Communities First programme.

When will someone wake up to the fact that poverty today is more a matter of education rather than money. Unfortunately, the adequate funds which are distributed are too often inappropriately spent both before and when they reach the intended recipient. I found little to agree with in the sayings and doings of Tony Blair but he was certainly right with his sound bite Education! Education! Education! Did he intend this to include our politicians and, if so, when will they ever learn?

Regards

Dear Sir

It is hardly surprising that the Welsh Government's plans to mark the "Year of legends" with the proposed "Ring of Iron" has fuelled such outrage. For a start the ring of castles built by Edward 1st to keep the Welsh at bay in their own country has nothing to do with legends. These forbidding, foreign structures were all too real and factual ! And why spend £400,000 on this misguided artefact for Flint when a few miles up the road in Holywell we have one of the most dramatic and exciting of all Welsh legends!

We will never know just what happened back in the 7th century to the historical figures of Winefride (real name Gwenffrewi), Beuno and Caradog – but the legend which grew up around them ensured that by the Middle Ages the cult of Winefride was so strong, and pilgrimage to her holy well so popular, that it was visited by



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several Kings and Queens of England. (A pity Edward 1st was not amongst them - as history might have turned out quite differently.....).

If the Welsh Government want a fitting memorial for the Year of Legends they could do worse than celebrate the remarkable band of men and women of those early centuries who, like Beuno and Winefride, first took the teachings of Christ – no doubt at considerable personal risk - into the scattered communities of Wales. **Precise historical facts about these “Welsh saints” are few and far between - but they were real people and their legacy lives on in the hundreds of villages, towns and churches named after them as well as in the legends which they inspired.** Welsh history is a sadly neglected subject in our schools – so it’s not surprising that many of the legends – if known at all - are treated purely as fairy stories. And there is thus little awareness of the key role these “Christian pioneers” actually played in the founding of the Welsh nation.

I would suggest that the Welsh Government ask the Welsh people to send in their ideas for a suitable memorial for the Year of Legends.

My personal preference would be for a large and beautiful modern Celtic Cross (made of local materials and possibly paid for by public subscription or crowd-funding). It could be positioned somewhere near the A55 above the Holywell area so people can see it and visit it as they do the Angel of the North.

Which would you choose? - a sculpture commemorating an English king who brutally oppressed and depressed the Welsh people, or one commemorating a band of native Welsh men and women who, by bringing a message of love, hope and forgiveness, did precisely the opposite? That message is needed in today’s world more than ever.

Yours sincerely

Dear Sir/Madam,

I have recently become aware of the iron “sculpture” proposed for Flint Castle.

My father was born and brought up in Flint, and I myself spent many happy childhood summers there in the 40s and 50s. Flint Castle is a very special place, and this proposal fills me with dismay. Can you really be so insensitive to the ambiance, the aesthetic of the site?

The joy of that much loved ruin, especially since the disappearance of the drill hall/prison and the Courtaulds factory which marred approaches to it, lies in its very isolation on that wonderfully bleak and empty foreshore, dominating the site, the sole object drawing all eyes. It is the castle which embodies history, not some giant commemorative ring of dubious artistic merit. If you erect this large object here, that is what people will see, not the castle – the castle, the site’s true interest, will be diminished behind it.

I understand completely your desire to increase tourism and revenue, especially in Flint, which has suffered badly from the disappearance of industries over many years. I sympathise utterly with your wish to raise the profile of this woefully under-appreciated castle.



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However, I beg of you, bring it to prominence by other means: create a widely advertised tourist circuit of all those coastal castles, making Flint the starting point and emphasising its significance; play on the Shakespeare connection for all its worth; anything rather than sticking a great rusty ring-pull in front of it. Put your ring-pull somewhere else in the town, and leave the castle to it's lonely vigil, a brooding, magnificent, solitary sentinel watching over the sands of Dee.

Yours faithfully,

Enquiry:

controversy over the Iron Ring Sculpture at Flint Castle, Wales.

Attention Rt. Hon Carwyn Jones

Dear Sir.

Reference the controversy over the Iron Ring Sculpture at Flint Castle, Wales.

An idea for you.

I feel you could promote the ring development, if you made it to honour the great Welsh prince

Owain Glyndwr rather than the English.

In this area, Flint – Hawarden - Chester, there was a battle where Owen fought against the English invaders; this (as other battles he fought against the English) should be commemorated and not forgotten.

Yours

2. FACEBOOK MESSAGES RECEIVED AFTER ANNOUNCEMENT

As a Cadw member living in Canada, but who regularly visits Cadw monuments, I am appalled at the proposed iron ring sculpture at Flint castle. It detracts from the actual castle monument and does not enhance the landscape. When I think of the terrific sculptures, for example, at Caerphilly and then compare them with this protuberance that whose LED lights will further distract from the monument and landscape, I ask myself where is Cadw now headed? To Disneyland? This is cultural heritage and Cadw should be trying to engage more people, both inside and outside of Wales in a meaningful appreciation of this heritage. I am not Welsh. But I love Wales and have written about it. This sculpture means nothing to an outsider. I won't even speculate on what it means to a Welsh person.

Hi, I've worked with Cadw promoting Welsh history over the years and have always admired your approach to celebrating history but I think you need to stop the Flint castle ring project now. There is a huge backlash over this contentious and misguided sculpture. If you want to promote Welsh steel, perhaps erect it at Brymbo or Shotton? Flint castle needs a community friendly visitor centre not this.



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1. MEETING REPORT

Flint art installation

Note of the meeting held at Flint Town Hall on 25th August 2017

As part of the “pause and review”, the Director of Culture, Sport and Tourism and Cadw officials met local partners and stakeholders, including officials and elected representatives from Flintshire County Council and Flint Town Council and representatives of the local RNLI and rugby and football clubs. This meeting was held on Friday August 25th. The objective of the meeting was to seek local views and identify a preferred way forward.

At the meeting, Cadw officials introduced possible revised designs (based around the concept of a medieval crown or an Iron Age/Celtic torc) and also summarised the potential risks that were now associated with the sculpture in either its original or revised form. There remained much support from local stakeholders for the sculpture and disappointment that it had received such negative feedback. However, they recognised that there were now significant technical, practical and political challenges and risks.

Cadw officials also provided an update on the master planning exercise for the Flint foreshore, and in particular the option for a shared visitor and community facility. They explained that the next step was the need to commission detailed feasibility work for the preferred option.

The consensus from the meeting was:

- not to proceed with the sculpture as tendered.
- to commission a detailed feasibility study for the shared facility on the Flint foreshore as soon as possible. There was a clearly stated desire to include plans for a large-scale art installation of a similar scale and magnitude.
- to include within this study a programme of community engagement so that there would be local ‘buy in’ for any emerging solution.
- to take this forward as a partnership, between Flintshire County Council, the Welsh Government and Flint Town Council. Flintshire County Council to lead the coordination of this work. The partnership would be established through a Memorandum of Understanding.
- To commission smaller-scale infrastructure work in the area of the castle and foreshore during the current financial year. Options for the Welsh Government to consider funding included, – small-scale artwork, improved lighting for the castle, improved interpretation and visitor facilities.
- all parties agreed to the preparation of a joint communication agreeing the way forward.

The suggestion was that the costs of the feasibility study, local engagement and the small-scale interventions would be funded by the savings from cancelling the existing contract for the sculpture.



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The estimate at this stage was that up to £150k could be spent in this financial year on the feasibility study, public engagement and public art. It was proposed that the remaining £250k, that had been allocated to the sculpture, could be carried forward and ring fenced for Flint works. It was also proposed that delivery of the masterplan would be a priority for future Welsh Government funding streams. It was proposed that this approach to funding form part of the Memorandum of Understanding.

2. MINISTERIAL ADVICE DOCUMENT MA-P/KS/2990/17

Ministerial Advice

To: 1. Infrastructure
2. Ken Skates AM, Cabinet Secretary for Economy and

From:

Date: 05 September 2017

Subject: **Next Steps on the Year of Legends Art Installations**

MATS Reference number: MA-P/KS/2990/17

When is a decision required from the Minister? In the normal course of business

1. What is the issue you are asking the Minister to consider?

1.1 You are asked to consider the next steps on the Year of Legends Art installations following the decision to pause and review the plans.

2. What action(s) are you recommending to the Minister?

For **LOT 1** you are asked to agree to:

- i. Cease the plans for the Lot 1 Year of Legends art installation and cancel the current contract in line with the termination clauses set out in the contract;
- ii. The development of an MoU between Welsh Government, Flintshire County Council and Flint Town Council related to the masterplan-led regeneration of the foreshore area;
- iii. The reallocation of the funding for the contract of up to £395k, within this financial year where possible and/or prioritised in future years if not defrayed this financial year, to the further delivery of the masterplan, including feasibility work, small-scale capital works within Flint Castle and public engagement for the shared facility and art installation;
- iv. To the joint press statement agreed by partners (Doc 1)

For **LOT 2** you are asked to:



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3. Deputy Director, Statement of Assurance

I, _____, confirm that I have quality assured this advice.

I am satisfied that the recommended decision or action, if agreed, would be lawful and affordable. Welsh Government policy priorities and cross portfolio implications have been fully considered.

Advice

4. Context - What is the situation that has led to this advice?

Background

4.1 You approved funding for the Historic Environment Service, Cadw, to create two major, international landmark installations at two monuments in the care of Welsh Ministers for the Year of Legends (YOL) 2017 (MA/P/KS 8088/16).

4.2 The competition sought highly-creative and commercially-driven project proposals that would help to attract visitors to our historic sites, and which were international in scale and ambition. The design competition was offered in two Lots. Lot 1 would provide an artwork specifically for Flint Castle.

The design competition was facilitated by Corporate Procurement Service and two artworks were selected by a panel consisting of officials from Cadw, Visit Wales and the Arts Council of Wales.

4.3 The unveiling of proposals for Lot 1 on July 21st for a new ring sculpture outside Flint Castle, a £395k investment, led to significant criticism from some sectors of the public, particularly on social media. This included accusations that the sculpture was 'a celebration of the conquest of Wales by Edward I'.

4.4 Following this negative response and the strong feelings associated with the proposals an announcement was made to 'pause and review' the plans for the sculpture.

4.5 There are also several on-going Freedom of Information requests relating to this matter and numerous items of Ministerial and Official Correspondence.

5. What is your advice to the Minister?

Lot 1

5.1 As part of the "pause and review", the Director of Culture, Sport and Tourism and Cadw officials met local partners and stakeholders, including officials and elected representatives from Flintshire County Council and Flint Town Council and representatives of the local RNLi and rugby and football clubs. This meeting was held on Friday August 25th. The objective of the meeting was to seek local views and identify a preferred way forward.



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5.2 At the meeting, Cadw officials introduced possible revised designs (based around the concept of a medieval crown or an Iron Age/Celtic torc) and also summarised the potential risks that were now associated with the sculpture in either its original or revised form. There remained much support from local stakeholders for the sculpture and disappointment that it had received such negative feedback. However, they recognised that there were now significant technical, practical and political challenges and risks.

5.3 Cadw officials also provided an update on the master planning exercise for the Flint foreshore, and in particular the option for a shared visitor and community facility. They explained that the next step was the need to commission detailed feasibility work for the preferred option.

- not to proceed with the iron ring sculpture.
- to commission a detailed feasibility study for the shared facility on the Flint foreshore as soon as possible. There was a clearly stated desire to include plans for a large-scale art installation of a similar scale and magnitude.
- to include within this study a programme of community engagement so that there would be local 'buy in' for any emerging solution.
- to take this forward as a partnership, between Flintshire County Council, the Welsh Government and Flint Town Council. Flintshire County Council to lead the coordination of this work. The partnership would be established through a Memorandum of Understanding.
- To commission smaller-scale infrastructure work in the area of the castle and foreshore during the current financial year. Options for the Welsh Government to consider funding included, – small-scale artwork, improved lighting for the castle, improved interpretation and visitor facilities.
- all parties agreed to the preparation of a joint communication agreeing the way forward.

5.5 The suggestion was that the costs of the feasibility study, local engagement and the small-scale interventions would be funded by the savings from cancelling the existing contract for the sculpture. The estimate at this stage is that up to £150K could be spent in this financial year on the feasibility study, public engagement and smaller capital projects. It was proposed that Welsh Government officials would consider how the remaining funding of up to £245K which had been allocated to the sculpture could be ring fenced for Flint works in future years. Some of the £245k will be required for work done on the contract to date and any other costs associated with terminating the contract. Cadw and CPS officials will need to negotiate these costs with the contractor at the appropriate time and ensure value for money. CPS officials have advised that these discussions cannot take place until the Cabinet Secretary has provided approval to cancel this project.

Lot 2

6. What legal or policy obligations are relevant to this advice?



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6.1 Section 61 of GOWA 2006 provides Welsh Ministers with wide powers to do anything they consider to support culture. In particular, it states that the Welsh Ministers may do anything which they consider appropriate to support archaeological remains in Wales and buildings and places of historical or architectural interest.

6.2 Well-being of Future Generations (Wales) Act: The conservation of the historic environment supports the well-being goal of creating a Wales of vibrant culture that promotes and protects culture and heritage, and encourages participation.

6.3 Statutory Consideration & Policy compliance: There are no policy considerations relating to this advice.

6.4 Equality and Human Rights: Due regard has been given to Equality and Human Rights considerations.

6.5 Welsh Language: This submission raises no issues regarding the Welsh language.

6.6 Rights of the child (UNCRC): Due regard has been given to children's rights (UNCRC).

6.6 Promoting economic opportunity for all - I have considered the advice set out in this MA and I confirm there are no direct implications relating to Promoting economic opportunity for all.

7. What are the financial implications of Ministers agreeing to this advice and which budget will this be paid through?

7.1 The budget for both lots was agreed in MA-P KS 8088 16 – Cadw and through the Tourism Incentive Support Scheme - Visit Wales.

7.2 There is no additional expenditure as a result of this submission. It is envisaged that the expenditure which would have been incurred under Lot 1 of up to £395k will be used on funding a feasibility study and engagement activity and other capital projects within Flint Castle in 2017-18 and 2018-19, together with the costs of terminating the contract.

7.3 .

7.4 Economy & Infrastructure Corporate Finance has cleared the financial implications set out in this paragraph under number EI/CF/17/423. As there are no issues of regularity or propriety, nor are the proposals novel or contentious, this submission does not need prior approval by the Corporate Governance Unit (CGU). In accordance with FN 01/2015 this advice has been copied to the CGU and SB mailboxes for monitoring purposes.

8. What communication, engagement or media activity is planned following this decision?



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8.1 Should you agree the recommendations in Para 2 i-iv, It is proposed that you issue a press release about your revised plans for the installation at Flint and the proposed reallocation of the funding. A jointly prepared draft press release (with Flintshire County Council) is attached at doc 1 for your consideration.

8.2 Our press office is in close liaison with Flintshire County Council's communications team so that we both issue the Joint Statement to our respective media contacts at exactly the same time. A copy of the Joint Statement will also be uploaded to the Welsh Government's website news page.

8.3 Press lines are being prepared for the Comms Plan in case of any further, public reaction to this matter.

Annex A: Copy Recipients

All mandatory copy recipients (MA-Policy)

E&I Ministerial Advice list

Additional copy recipients specifically interested in this advice:

3. PRESS RELEASE

XX September 2017

Date and time of issue to be co-ordinated with Flintshire County Council

Joint Statement from the Welsh Government, Flintshire County Council and Flintshire Town Council on Next steps for Flint Castle - Year of Legends Art Installations

Following a pause and review, announced earlier this summer, the Welsh Government has confirmed that it will not be proceeding with two major art installations to celebrate the Year of Legends, which included the proposal for an Iron Ring at Flint Castle.

As part of the review, Welsh Government officials met with Flintshire County Council, Flint Town Council and a number of local groups and partners to discuss the future development of the historic Flint Castle and Flint foreshore. Welsh Government made it clear that it was committed to significant investment in Flint Castle and to



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delivering a masterplan for Flint foreshore and Castle in full consultation with local stakeholders.

Whilst there was some support for the current proposed sculpture from stakeholders locally, it was recognised that any decisions on major public art installations would need to be taken in conjunction with the wider masterplan work. Consequently, it was agreed that the Welsh Government would stop all work on the current sculpture, and instead focus on using some of the allocated funding to deliver the masterplan, which sets out a vision for a shared multi-use visitor and mixed use centre to support tourism, walking and cycling, and key local organisations including the RNLI and rugby and football clubs.

Economy and Infrastructure Secretary, Ken Skates said:

“We acknowledge that the proposal for the Iron Ring sculpture has been divisive and, following extremely constructive and productive meetings with local stakeholders, have taken the decision to cancel the project. Instead, we will use the investment allocated for the artwork to help deliver the wider masterplan for the foreshore, taking in the views of local people. This will include developing a range of capital investments for the area and holding a number of events and activities to increase the understanding of the history of the Castle and the significance of the foreshore. Alongside Flintshire County Council and Flint Town Council, we see development of the masterplan as a high priority.”

Councillor Ian Roberts from Flintshire County Council said:

“We welcome this investment in the Castle and foreshore and the commitment to retain current resources for Flint. Our recent meeting with the Welsh Government was extremely positive and I feel confident that future partnership working will ensure a favourable outcome for the town of Flint which will enhance the historic Castle with its links to Richard II and Shakespeare, the foreshore and the improvement work which has been carried out in the town centre over recent years. We will continue to actively pursue proposals for major public art installations as part of the foreshore masterplan delivery.”



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[include link to masterplan]

ENDS



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Appendix 3

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”.

We have concluded that, in this instance, the names and contact details of correspondents 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. We consider the principle being most relevant in this instance as being the first.

The first data protection principle.

This 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.

We consider that the information highlighted 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 below



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- *Whether the information is sensitive personal data and the possible consequences of disclosure on the individual ;*

The information is information about correspondents with Cadw, but also their contact details. Coupled with the substance of the correspondence which captures views, opinions etc., this constitutes sensitive personal data.

Disclosure under FOI is disclosure to the world, and not just an individual. The effect of disclosure of this correspondence would be to publish those views and opinions to the world.

- *The reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA principles of transparency and accountability;*

The expectation of correspondents was that their personal information would not be placed in the public domain. Although it is a reasonable expectation that views and correspondence with Government may be open, and the subject matter may well be published, it is also a reasonable expectation of correspondents that their own personal information, provided for the purpose of correspondence, will not itself be disclosed.

- *Whether there is any legitimate interest in the public or the requester having access to the information and the balance between this and the rights and freedoms of the individuals who are the data subjects.*

We believe that the legitimate public interest in the content of these communications will be met with disclosure of the communications, and that there is not a strong public interest in disclosure of the personal information of the correspondents in this instance.

Thus, we believe release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.



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