



Minutes of Board Meeting

Held in NTA HQ and via video conference on Friday 22nd April 2022

Board Members in attendance

Mr Fred Barry (Chairperson), Ms Anne Graham (CEO), Mr Hugh Creegan (Deputy CEO), Mr Pat Mangan, Mr Owen Keegan (CEO, Dublin City Council), Ms Ann Fitzgerald, Mr Frank O'Connor, Mr Brian McCormick, Mr David Gray, Mr Iain Docherty, Ms Joyce Loughnan, Ms Eleanor O'Neill

Others in attendance

All Items: Mr Philip L'Estrange, Director, Finance & Corporate Services / Board Secretary; Mr Tim Gaston, Director, Public Transport Services; Mr Bernard Higgins, Director of Transport Technology; Mr Declan Sheehan, Chief Information Officer; Ms Margaret Malone, Head of Corporate Services; Mr Richard Kelly (Minutes).

Item 4 & 5: Mr Stephen Gallagher, Head of Strategic and Business Planning.

Item 6: Mr Eoin Gillard, Head of Public Transport Investment

Item 7: Mr David Clements, Senior Transport Planner; Mr Michael MacAree, Head of Strategic Planning; Mr Eoin Farrell, Senior Land Use & Transport Planner

Item 8: Mr Michael MacAree, Head of Strategic Planning; Mr Robert Parkinson, Planning Advisor, Strategic Planning; Owen Shinkwin, Strategic Planning

Item 9 & 10: Mr Eddie Fullerton, Compliance Manager, Public Transport Regulation

Item 11: Mr John Fleming, BusConnects Infrastructure Director

Item 12: Mr Eoin Gillard, Head of Public Transport Investment

Item 13: Mr John Fleming, BusConnects Infrastructure Director; Colm Griffin, Senior Project Manager; Mr Anthony Sheehy, Senior Project Manager, BusConnects

Item 14: Mr David O'Flynn, Financial Controller.

Item 15: Mr Noel Beecher, Head of Governance;

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1. Declarations of Interest

None

2. Minutes of previous meeting

The draft minutes of the Board meeting held on 25 March 2022 were approved without amendment.

3. Matters Arising & Board Schedule

The Chairperson suggested that further discussion on the formulation of the NTAs next statement of strategy should take place. The Board agreed that further discussion of the strategy will take place at the Board meeting in May.

The Board approved the appointment of Brian McCormick to the ARC (Audit and Risk Committee).

The Board approved a proposal by the Chairperson to invite the Minister for Transport to an NTA Board meeting.

The Board raised the issue of the proposed Consolidated Contact Centre in particular the transition of the current services to the new consolidated centre and the issue of TUPE (Transfer of Undertakings (Protection of Employment) Regulations) rights. The Chief Executive agreed to revert back to the Board on this particular query.

4. CEO Report

The Chief Executive outlined developments since the last meeting and responded to matters raised by Board members.

Mr Gallagher updated the Board with a progress report on the implementation of the Authority's Business Plan for 2022 and responded to questions from Board members. The Chairperson, noting the decision at the March Board meeting to approve the cessation of the Tax saver project, suggested that a revised objective be introduced to the 2022 Corporate Business Plan.

5. Performance Delivery Agreement & Oversight Agreement between DoT and NTA

Mr Gallagher provided an overview of the Performance Delivery Agreement and Oversight Agreement between the Department of Transport and the National Transport Authority and responded to subsequent questions from the Board. The Chairperson suggested that a compliance review be conducted annually to monitor the implementation and operation of both agreements.

The Board subsequently approved the Performance Delivery Agreement and Oversight Agreement between the Department of Transport and the National Transport Authority.

6. Major Capital Projects Quarterly Update

Mr Gillard provided an overview of the following Major Capital Projects:

- a) MetroLink
- b) DART+
- c) National Train Control Centre (NTCC)
- d) BusConnects Dublin

Following the update, Mr Gillard responded to questions from the Board.

7. Final Draft of the Transport Strategy for the Greater Dublin Area

Mr Clements provided the Board with an overview of the final draft of the Transport Strategy for the Greater Dublin Area. Mr Clements summarised the main changes proposed in the final draft following the public consultation process which closed on the 10th January 2022.

A Board discussion took place on the final draft of the strategy and Mr Clements responded to questions from the Board. Some of the issues raised by the Board included questions on demand management, cycling, and accessibility. The Chief Executive informed the Board that the Joint Committee on Transport and Communications has invited the Authority to discuss the Greater Dublin Area Transport Strategy and the CEO and Deputy CEO of the Authority will attend.

Following the discussion, the Board approved the final draft of the Transport Strategy for the Greater Dublin Area 2022-2042 for submission to the Minister for Transport, subject to the comments and recommendations made by the Board being included in the final draft.

8. Draft Transport Strategy for Waterford Metropolitan Area (WMATS) for consultation

Mr Parkinson provided an overview of the draft Transport Strategy for the Waterford Metropolitan Area and highlighted the main points of the draft strategy. A Board discussion took place and Mr Parkinson responded to the questions from the Board noting that the Authority has had positive engagement throughout the process with the Local Authorities in the Metropolitan area.

Following the discussion, the Board approved the draft Transport Strategy for the Waterford Metropolitan Area for public consultation subject to the comments and recommendations made by the Board being included in the draft document.

9. Draft Taxi Regulation (Maximum Fares) Order for Public Consultation

Mr Fullerton summarised the main points of the Draft Taxi Regulation (Maximum Fares) Order for Public Consultation. The draft regulations propose an average 12% increase across the initial charges and tariffs A & B. Mr Fullerton subsequently responded to questions from the Board.

Following the discussion, the Board approved the publication of the Draft Taxi Regulation (Maximum Fares) Order for public consultation.

10. Draft Small Public Service Vehicle (Cashless Payment Facility) Order for Public Consultation

Mr Fullerton provided an overview of the Draft Small Public Service Vehicle (Cashless Payment Facility) Order for Public Consultation. Mr Fullerton outlined that the Authority was seeking approval from the Board for to commence a public consultation on a draft regulation mandating of the provision of in-taxi cashless payment acceptance facilities by drivers. This is also to include regulations making it an offence to not accept cashless payments and/or a failure to have a cashless payment device. It is proposed that both offences will be declared Fixed Payment Notice offences.

Following the discussion that took place, the Board approved the publication of the Draft Small Public Service Vehicle (Cashless Payment Facility) Order for public consultation.

11. Blanchardstown Bus Interchange – Development and Lease Agreement

Mr Creegan provided an overview of the Blanchardstown Bus Interchange Development and Lease Agreement and responded to questions from the Board.

Following the discussion that took place, the Board approved the entry into the Blanchardstown Bus Interchange – Development and Lease Agreement with the owners of the Blanchardstown Shopping Centre on the basis set out at the meeting.

12. Lease for Floor Space at National Train Control Centre for the purposes of a Regional Traffic Control Centre

Mr Creegan summarised the main points and provided an overview of the proposed Lease for floor space at National Train Control Centre for the purposes of a Regional Traffic Control Centre. Mr Creegan subsequently responded to questions from the Board.

Following the discussion that took place, the Board approved the Lease arrangement at the National Train Control Centre for the purposes of a Regional Traffic Control Centre on the basis set out at the meeting.

13. Blanchardstown to City Centre Core Bus Corridor

Mr Creegan explained that in accordance with the Authority's corporate governance arrangements, Board approval is required for the submission to An Bord Pleanála of the Environmental Impact Assessment Report (EIAR), Nature Impact Statement and Compulsory Purchase Order in relation to the BusConnects Dublin Blanchardstown to City Centre Core Bus Corridor Scheme (the "Proposed Scheme").

Mr Creegan recalled that the BusConnects Dublin Preliminary Business Case (PBC) was approved by the Board for submission to the Department of Transport (DoT) and was provided to the DoT on 4 March 2021 to facilitate Government authorisation (required in the case of projects exceeding €100 million) in respect of Decision Gate 1 under the Public Spending Code. Government authorisation in respect of Decision Gate 1 was provided on 8 March 2022.

As that earlier Board approval was solely for the submission of the PBC to the DoT, a further Board decision is required to approve the submission of the relevant applications for approval of the Proposed Scheme under the Roads Act 1993 (as amended) and confirmation of the associated compulsory land acquisition to An Bord Pleanála.

The Chairperson noted that:

- (a) the Authority is progressing the programme known as "BusConnects Dublin";
- (b) the BusConnects Dublin programme includes twelve Core Bus Corridor Projects, including the Proposed Scheme;
- (c) in that regard, at its meeting of 18 October 2019, the Authority had resolved in accordance with section 44(2)(b) of the Dublin Transport Authority Act 2008 (as amended) ("**2008 Act**") in connection with the twelve Core Bus Corridor Projects including the Proposed Scheme that:
 - (i) the conditions specified in section 44(2)(b) of the 2008 Act were satisfied; and
 - (ii) the functions specified in section 44(1) of the 2008 Act should be performed by the Authority; and
- (d) among other things, in accordance with section 44(6) of the 2008 Act:
 - (i) the Authority was empowered to perform the function of securing such public transport infrastructure as a public transport authority, namely, in the case of the Proposed Scheme, a road authority; and
 - (ii) land may be acquired by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Planning and Development Act 2000 where the Authority has made a decision under section 44(2)(b) or where

the Authority is performing its function of securing the provision of public transport infrastructure in accordance with section 44(2)(e).

The Chairperson further noted that the following documents were before the Authority:

1. The final draft Environmental Impact Assessment Report (EIAR) as at April 2022 which has been prepared by a team of competent experts (as described in Chapter 1 of the EIAR), for the Proposed Scheme;
2. The final draft Natura Impact Statement as at April 2022 for the Blanchardstown to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
3. The “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”.

It was noted that all of the lands included in the “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” are necessary and required for the construction and operation of the Proposed Scheme.

The Chairperson outlined to the Authority that it had to consider whether to:

- (a) authorise the acquisition of the lands the subject matter of the “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) proceed to submit the “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” to An Bord Pleanála for confirmation in accordance with section 76 of and the Third Schedule to the Housing Act 1966 (as amended);
- (c) proceed to submit the Environmental Impact Assessment Report and the Natura Impact Statement and any other necessary and/or supporting application documentation to An Bord Pleanála in accordance with section 51 of the Roads Act 1993 (as amended) for approval of the Proposed Scheme; and
- (d) proceed to publish and serve all necessary statutory notices in accordance with the provisions of section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and section 51 of the Roads Act 1993 (as amended).

Having considered the matters, the Authority resolved:

- (a) to acquire the lands contained in the “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) that the “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” be submitted to An Bord Pleanála for confirmation in accordance with section 76 of and the Third Schedule to the Housing Act 1966 (as amended);
- (c) that the Environmental Impact Assessment Report and the Natura Impact Statement and any other necessary and/or supporting application documentation be submitted to An Bord Pleanála in accordance with section 51 of the Roads Act 1993 (as amended) for approval of the Proposed Scheme; and
- (d) that all necessary publications and statutory notices as required pursuant to the provisions of section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and section 51 of the Roads Act 1993 (as amended) be published and served.

In addition the Board also resolved as follows:-

- a. to authorise the Chief Executive, in her discretion, to take all measures as she determines to be appropriate in connection with the seeking of all statutory consents for the Proposed Scheme, including, without limitation, in each case, on such terms and conditions as may be determined by her:

- (i) to settle and approve the final form of the documents referenced above for submission to An Bord Pleanála and any other documents to be submitted to An Bord Pleanála;
- (ii) to execute the “Blanchardstown to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” including the Deposit Maps on behalf of the Authority and to have the seal of the Authority affixed, having been authenticated by her;
- (iii) to authorise such person or persons as she deems appropriate to sign all of the various publications and/or statutory notices that are required to be published and/or served pursuant to the provisions of section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and section 51 of the Roads Act 1993 (as amended); and

to the extent applicable, the matters contemplated by this resolution shall be regarded as an additional function of the Chief Executive in accordance with section 19(2) of the 2008 Act.

14. Finance Update

Mr O’Flynn outlined the Authority’s current financial position and responded to questions from Board members.

The Board questioned the levels of PSO funding. In response, Mr O’Flynn outlined that a review is being finalised on PSO funding requirements for the rest of the year.

15. Quarterly Risk Update

Mr Beecher summarised the up-to-date position on risk management issues and responded to questions from Board members.

Mr Beecher outlined that there will shortly be two vacancies for external members of the ARC (Audit and Risk Committee) and that these vacancies will be advertised on State Boards website.

Mr Beecher noted that the next meeting of ARC will be on the 13th May 2022.

16. AOB

The Board agreed that to facilitate further discussion on the formulation of the statement of strategy and also agreed that the next Board meeting will be from 10.30hrs to 15.00hrs.

17. Meeting without Executive

None

Next Meeting: Friday 20th May 2022 @ 10.30am.

Signed: _____
Chairperson

Dated: _____