



Minutes of Board Meeting

Held in NTA HQ and via video conference on Friday 17th June 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; Ms Wendy Thompson, Director of Transport Regulation; Mr Tim Gaston, Director, Public Transport Services; Mr Declan Sheehan, Chief Information Officer; Mr Bernard Higgins, Director of Transport Technology; Ms Margaret Malone, Head of Corporate Services; Mr Richard Kelly, HEO (Minutes).

Item 4, 14 & 21: Mr Stephen Gallagher, Head of Strategic and Business Planning.

Item 6: Mr. John Fleming, Infrastructure Director, BusConnects; Mr Aidan Gallagher, Head of BusConnects Dublin Infrastructure; Mr Anthony Sheehy, Senior Project Manager.

Item 7: Mr Joe Seymour, Head of Transport Development.

Items 8, 9 & 10: Mr Con Kehely, Head of BusConnects Regional Cities.

Items 9 & 10: Mr Ed Rhys Thomas, Transport Services Planner.

Item 11: Mr David Ryan, Public Transport Contract Manager

Item 16 & 17: Mr David O'Flynn, Financial Controller.

Item 18: Mr Noel Beecher, Head of Governance; Mr Gerard McBrien, Risk Manager

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1. Declarations of Interest

None

2. Minutes of previous meeting

The draft minutes of the Board meeting held 20th May 2022 were approved.

3. Matters Arising & Board Schedule

None

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.

Mr Creegan provided an update on the status of major capital projects noting that a detailed report on the matter is provided to the Board after the end of each quarter.

5. Metrolink Capital Cost Update

Mr Creegan gave an update on the capital costs associated with the Metrolink project. Following the update, Mr Creegan responded to questions from the Board members.

6. Ballymun/ Finglas 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 Ballymun/ Finglas 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 May 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 May 2022 for the Ballymun/ Finglas to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
3. The “Ballymun/ Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”.

It was noted that all of the lands included in the “Ballymun/ Finglas 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 Board that it had to consider whether to:

- (a) authorise the acquisition of the lands the subject matter of the “Ballymun/ Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) proceed to submit the “Ballymun/ Finglas 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 Board resolved:

- (a) to acquire the lands contained in the “Ballymun/ Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) that the “Ballymun/ Finglas 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 “Ballymun/ Finglas 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
- b. 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.

7. Galway Cross City Link Preliminary Business Case

Mr Seymour provided an overview of the Galway Cross City Link Preliminary Business Case scheme and responded to questions from Board members. Following the discussion, the Board authorised the approval of the Galway Cross City Link Preliminary Business Case.

8. BusConnects Cork Strategic Assessment Report (SAR)

Mr Creegan provided an overview of the BusConnects Cork Strategic Assessment Report and sought approval from the Board to approve the SAR subject to review by the Department of Public Expenditure and Reform thereby providing authorisation for the BusConnects Cork project to move to the planning phase.

Following the discussion and questions from the Board members, the Board authorised the approval of the BusConnects Cork Strategic Assessment Report subject to a review by the Department of Public Expenditure and Reform.

9. BusConnects Cork Sustainable Transport Corridors Public Consultation

Mr Creegan updated the Board members in respect of the plans for the public consultation related to the BusConnects Cork Sustainable Transport Corridors. Following the discussion and questions from Board members, the Board approved the BusConnects Cork Sustainable Transport Corridors to enter the public consultation phase.

10. BusConnects Cork Final Network

Mr Creegan provided an overview of the new BusConnects Cork Final Network. Mr Creegan outlined that the final network has been prepared following extensive public consultation with members of the public.

Following the discussion that took place and questions from Board members, the Board approved the BusConnects Cork Final Network plan.

11. Procurement – Awarding of contract for the operation of the 101/133 Bus Services

Mr Ryan provided an overview of the current status related to the awarding of the contract for the 101 and 133 bus services.

Following the overview provided by Mr Ryan, Mr Gaston outlined to the Board that provisional approval was being sought to award the contract for the 101 and 133 bus services to Bus Éireann.

Following the discussion that took place and questions from Board members, the Board gave provisional approval for the awarding of the contract to Bus Éireann subject to the finalised documents being circulated to the Board for final approval.

12. Draft Taxi Regulations (Maximum Fares) Order 2022

Ms Thompson provided an overview of the Draft Taxi Regulations (Maximum Fares) Order 2022 noting that the draft regulations were prepared following an extensive public consultation process.

Following the discussion that took place and questions from Board members, the Board approved the Draft Taxi Regulations (Maximum Fares) Order 2022.

13. Draft Small Public Service Vehicle (Cashless Payment Facility) Regulations

Ms Thompson provided an overview of the Draft Small Public Service Vehicle (Cashless Payment Facility) Regulations noting that the draft regulations were prepared following an extensive public consultation process.

Following the discussion that took place and questions from Board members, the Board approved the Draft Small Public Service Vehicle (Cashless Payment Facility) Regulations.

14. Strategic Staffing Plan 2023

Mr Gallagher outlined the main points of the Strategic Staffing Plan 2023 highlighting that approval was being sought from the Board to formally submit the plan to the Department of Transport for approval.

Following the discussion that took place, the Board approved the Strategic Staffing Plan 2023 for submission to the Department of Transport.

15. Draft Annual Report 2021

Ms Malone provided an overview of the Draft Annual Report 2021 and responded to questions from the Board.

The Board subsequently approved the Draft Annual Report 2021 subject to the recommendations from the Board being taken into account.

16. Final & Audited Financial Statements

Mr O'Flynn provided an update on the Final & Audited Financial Statements for 2021 and noted that approval was being sought from the Board to submit the Final & Audited Financial Statements to the Department of Transport and the Comptroller and Auditor General.

Following discussion, the Board approved the Final & Audited Financial Statements for 2021. The Chairperson on behalf of the Board expressed his thanks to Mr O'Flynn and the wider team for the work they put in completed the Final & Audited Financial Statements for 2021.

17. Finance Update

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

18. Risk Update

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

19. AOB

None

20. Meeting without Executive

None

21. Strategy Overview

The Board engaged in a discussion on the formulation of a new Statement of Strategy for the Authority.

Following the discussion, the Board gave approval for the Authority to proceed with the development of a Draft Statement of Strategy 2023-2025.

Next Meeting: Friday 15th July 2022 @ 10.30am.

Signed: _____
Chairperson

Dated: _____