



## Minutes of Board Meeting

Held in NTA HQ and via video conference on Friday 20<sup>th</sup> May 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 Declan Sheehan, Chief Information Officer; Ms Margaret Malone, Head of Corporate Services; Mr Richard Kelly, HEO (Minutes).

Item 4 & 12: Mr Stephen Gallagher, Head of Strategic and Business Planning.

Item 5: Mr. John Fleming, Infrastructure Director, BusConnects; Mr Aidan Gallagher, Head of BusConnects Dublin Infrastructure; Mr Oliver Wynne, Project Manager.

Item 6: Mr Joe Seymour, Head of Transport Development.

Item 7: Mr Ray Coyne, CEO of Dublin Bus.

Item 8: Mr David O'Flynn, Financial Controller.

Item 9: 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 22<sup>nd</sup> April were approved subject to the inclusion of the following sentence:-

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

### **3. Matters Arising & Board Schedule**

The Board noted the update provided by Mr L'Estrange regarding TUPE (Transfer of Undertakings (Protection of Employment) Regulations) rights which had been discussed at the April 2022 Board meeting.

### **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 Gallagher provided an update to the Board in respect of the six monthly Statement of Strategy update and responded to queries 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. Liffey Valley 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 Liffey Valley 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 Liffey Valley to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
3. The “Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”.

It was noted that all of the lands included in the “Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” are necessary and required for the construction and or 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 “Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) proceed to submit the “Liffey Valley 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 “Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) that the “Liffey Valley 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 “Liffey Valley 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

## **6. Active Travel Initiatives**

Mr Seymour provided an overview of the Active Travel Investment initiatives undertaken by the Authority to date. A detailed discussion took place and Mr Seymour responded to questions from the Board.

## **7. Dublin Bus CEO**

Mr Ray Coyne, CEO of Dublin Bus joined the meeting and made a presentation to the Board. Following a comprehensive discussion, the Chairperson thanked Mr Coyne for his attendance. Mr Coyne expressed his thanks to the Board for the invitation noting that that Dublin Bus would continue to work closely with the respective NTA teams to deliver on our common objectives.

Mr Coyne then left the meeting.

## **8. Finance Update**

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

## **9. Risk Update**

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

The Chairperson wished to express his thanks to the two departing external members of the ARC (Audit and Risk Committee).

## **10. AOB**

The board discussed board and ARC succession and agreed to raise matters in writing to the Minister.

## **11. Meeting without Executive**

None

## **12. 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 continue with the development of the new Statement of Strategy noting that consultation with external stakeholders and members of the public will commence in early June.

**Next Meeting: Friday 17<sup>th</sup> June 2022 @ 10.30am.**

Signed: \_\_\_\_\_  
**Chairperson**

Dated: \_\_\_\_\_