



Minutes of Board Meeting

Held in NTA HQ and via video conference on Friday 24th February 2023

Board Members in attendance

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

Others in attendance

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

Item 6: Mr Stephen Gallagher, Head of Strategic and Business Planning.

Item 7: Mr Aidan Gallagher, Head of BusConnects Dublin Infrastructure

Items 7 & 8: Mr Eoin Gillard, Head of Public Transport Investment.

Items 9: Mr David O'Flynn, Financial Controller.

Items 10, 11, 12 & 13: Mr Noel Beecher, Head of Governance; Mr Gerard McBrien, Risk Manager; Mr David O'Flynn, Financial Controller.

Item 14: Dominic Hannigan, Head of Public Transport Regulation.

Item 15: Dermot O'Gara, Head of Public Affairs.

* * * * *

1. Appointment of Board member to Chair meeting

The Board approved the nomination of Ann Fitzgerald to chair the February Board meeting.

2. Declarations of Interest

None

3. Minutes of previous meeting

The draft minutes of the Board meeting held on 20th January 2023 were approved.

4. Matters Arising & Board Schedule

A Corporate Governance briefing session by the IPA is planned for the May/June time period and will be confirmed upon appointment of the new NTA Chairperson.

The Board agreed that an off-site meeting will be held in Limerick for the May Board meeting. This will be confirmed upon appointment of the new NTA Chairperson.

5. CEO Report

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

6. Strategic Action Plan 2023-2025

Mr Gallagher provided an overview report of the Strategic Action Plan for the 2023 to 2025 period noting that the plan aligns with a number of national policies including the Climate Action Plan 2023, the Sustainable Mobility Policy, Climate Action Plan 2021 and the Road Safety Strategy.

Following questions from the Board members, the Board approved the Strategic Action Plan 2023-2025.

7. Capital Programme Committee Report

Mr Docherty provided an update report from the February meeting of the Capital Programme Committee ("Committee"). Mr Docherty noted that there were three items considered by the Committee that were due for decision by the Board. Mr Docherty further noted that there were two items that were determined at the Committee's February meeting and a further two items had been brought to the Committee for information purposes only.

In terms of the items determined by the Committee and the further information items, Mr Docherty provided an update on the following;

- Sutton to Malahide Cycle Scheme Preliminary Business Case (PBC) – this was approved by the Committee.
- Cork Area Commuter Rail: Kent Station through platform (Final Business Case) - this was approved by the Committee.
- Commencement of 2nd round of public consultation for the BusConnects Cork Sustainable Transport Corridors (STCs) – this was an information item noted by the Committee.
- BusConnects Dublin – Kimmage to City Centre Core Bus Corridor Scheme. This was an information item noted by the Committee

In relation to the items for decision by the Board, three items had been considered by the Committee at its February meeting and were recommended by the Committee for approval by the Board. These were:

- a) Submission of the Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme for planning consent;
- b) Submission of the Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme for planning consent; and
- c) Submission of the DART+ South West Railway Order application by Iarnród Éireann to An Bord Pleanála.

These three items were considered by the Board as set out in the following sections.

a) Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme

It was 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 Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme (the "Proposed Scheme").

It was 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 August 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 August 2022 for the Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
3. The “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023”.

It was noted that all of the lands included in the “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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 “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023”;
- (b) proceed to submit the “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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 “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023”;
- (b) that the “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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 “Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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

b) Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme

It was 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 Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme (the “Proposed Scheme”).

It was 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:

- (e) the Authority is progressing the programme known as “BusConnects Dublin”;
- (f) the BusConnects Dublin programme includes twelve Core Bus Corridor Projects, including the Proposed Scheme;
- (g) 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:
 - (iii) the conditions specified in section 44(2)(b) of the 2008 Act were satisfied; and
 - (iv) the functions specified in section 44(1) of the 2008 Act should be performed by the Authority; and
- (h) among other things, in accordance with section 44(6) of the 2008 Act:
 - (iii) 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
 - (iv) 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:

4. The final draft Environmental Impact Assessment Report (EIAR) as at August 2022 which has been prepared by a team of competent experts (as described in Chapter 1 of the EIAR), for the Proposed Scheme;
5. The final draft Natura Impact Statement as at August 2022 for the Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
6. The “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023”.

It was noted that all of the lands included in the “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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:

- (e) authorise the acquisition of the lands the subject matter of the “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023”;
- (f) proceed to submit the “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” to An Bord Pleanála for confirmation in accordance with section 76 of and the Third Schedule to the Housing Act 1966 (as amended);
- (g) 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
- (h) 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:

- (e) to acquire the lands contained in the “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023”;
- (f) that the “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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);
- (g) 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
- (h) 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:-

- b. 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 “Tallaght/Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023” 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
- c. 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

c) DART+ South West Railway Order

An overview was provided of the DART+ South West Railway Order application which is proposed to be submitted by Irish Rail to An Bord Pleanála in respect of this rail project.

Following discussion, the Board confirmed, subject to receipt of prior Government authorisation, the issue of approval in respect of Decision Gate 1 for the DART+ South West project, enabling Iarnród Éireann to submit a Railway Order Application to An Bord Pleanála for the project, and that, in addition, consent for such application would be issued in accordance with Section 37 of the Transport (Railway Infrastructure) Act 2001 (as amended).

8. Lease for New Bus Depot

Mr Gillard provided an overview of the main points of the proposed lease for a new Dublin area bus depot at Ballycoolin, Dublin 15. He outlined that approval is being sought for the NTA to enter into a long term lease agreement (250 years) with Fingal County Council in respect of 9.74 acre site at Rosemount Business Park, Ballycoolin, Dublin 15 for the purposes of providing a new Dublin Area Bus Depot to support the expansion and electrification of the bus fleet operating the Public Service Obligation (PSO) bus network in Dublin.

Following the overview and questions from Board members, the Board approved the lease for the new Dublin area bus depot at Ballycoolin, Dublin 15.

9. Procurement

a) BusConnects Cork – Engineering Design Teams

Mr Creegan provided an overview of the procurement competition related to BusConnects Cork – Engineering Design Teams. Mr Creegan outlined that approval is being sought to award contracts for Engineering Design Services for BusConnects Cork Sustainable Transport Corridors (STC), in three lots.

Following the overview provided, and subsequent questions from the Board members, the Board approved the awarding of the contracts for the Engineering Design Teams for BusConnects Cork as set out below;

- Project A (Lot 2) to Jacobs Engineering Ireland Limited;
- Project B (Lot 3) to Roughan & O’Donovan / Tyspa ; and

- Project C (Lot 1) to AECOM Ireland Limited.

b) Single Deck Bus Fleet

Mr Creegan provided an overview of the procurement competition related to an order for single deck bus fleet. Mr Creegan outlined that approval is being sought to award a Single Supplier Framework Agreement for the Purchase of Single-Deck (Shorter Lengths) Electric Buses.

Following the overview provided, and subsequent questions from the Board members, the Board approved the awarding of the contract to Alexander Dennis Limited and the placement of an initial order under that framework for twenty (20) buses.

10. ARC (Audit and Risk Committee) update

Mr Gray outlined the main issues discussed at the meeting of the ARC meeting held on 20 February last. In particular he drew attention to the decision of the ARC Committee to recommend that the Board approve the forwarding of the draft unaudited 2022 Financial Statements to the NTA's Auditors (see agenda item 12).

Mr Gray also presented the main points of the ARC Annual Report 2022. Following discussion, the Board noted both reports.

The Chairperson thanked Mr Gray and the ARC for their work over the last year.

11. Review of the effectiveness of the system of internal control

The Board reviewed and were satisfied with the effectiveness of the system of internal control and concluded that an adequate system of internal control was in place for 2022 and to date

12. Draft 2022 Financial Statements & Finance Update

Mr O'Flynn outlined the main features of the draft unaudited 2022 Financial Statements including the Statement on Internal Control and responded to questions from Board members.

Following discussion the Board approved the draft unaudited 2022 Financial Statements as presented.

13. Risk Matters

a) Risk Report

The Board noted the Risk Report provided by Mr Beecher.

14. Public Transport Regulation Act 2009 Definitions

Mr Hannigan an overview of the Public Transport Regulation Act 2009 and its definitions. Mr Hannigan outlined that he was seeking approval from the Board to define two resolutions under the Public Transport Regulation Act 2009. The two resolutions are;

- **Resolution One:** The National Transport Authority determines that the requirements of part (c) of the definition of public bus passenger service as contained in section 2 of the Public Transport Regulation Act 2009 (as amended) that a service is:
 - (i) provided on a regular and scheduled basis; and
 - (ii) carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable,

is dis-applied in relation to event or venue specific services”

- **Resolution 2:** The National Transport Authority determines that the requirements of part (c)(ii) of the definition of public bus passenger service as contained in section 2 of the Public Transport Regulation Act 2009 (as amended) that:
 - (ii) carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable,

is dis-applied in relation to specific targeted services.

Following the discussion the Board approved the two resolutions proposed under the Public Transport Regulation Act 2009.

15. Stakeholder Engagement and Communications Strategy

Mr O’Gara provided a comprehensive overview and outlined the key points from the NTAs Stakeholder Engagement and Communications Strategy.

An extensive discussion took place on this and Mr O’Gara responded to questions from the Board members.

The Board noted the Stakeholder Engagement and Communications Strategy and thanked Mr O’Gara for the overview provided.

16. AOB

None

17. Meeting without Executive

a) CEO Performance Plan 2023

Next Meeting: Friday 24th March 2023 @ 10.30am.

Signed: _____
Chairperson

Dated: _____