



## Minutes of Board Meeting

Held in NTA HQ and via video conference on Friday 20<sup>th</sup> September 2024

### Board Members in attendance

Mr Peter Strachan (Chairperson), Ms Anne Graham (CEO), Mr Hugh Creegan (Deputy CEO), Mr Pat Mangan, Mr Brian McCormick, Mr Iain Docherty, Ms Eleanor O’Neill, Ms Joyce Loughnan, Mr David Gray, Mr Frank O’Connor.

Apologies: Mr Richard Shakespeare (CEO of Dublin City Council), Ms Ann Fitzgerald.

### Others in attendance

All Items: Mr Philip L’Estrange, Director of Finance & Corporate Services; Mr Jeremy Ryan, Director of Public Transport Services; Mr Declan Sheehan, Chief Information Officer, Mr Bernard Higgins, Director of Transport Technology, Mr Richard Kelly, HEO (Minutes).

Items 5: Ms Roisin Cullinan, Head of Licensing.

Item 6: Mr Simon Nugent & Ms Madeleine Lyes, Transport Users Advisory Group (TUAG); Ms Emily O’Reilly, Senior Customer Experience Officer.

Item 7: Mr Marcello Corsi, Head of Rail Investment; Mr Aidan Gallagher, Head of BusConnects Dublin Infrastructure.

Item 8: Mr Liam Gaffney, Procurement Support Manager; Mr Ger Regan, Head of Public Transport Contracts; Ms Siobhan O’Mahoney, Head of Public Transport Contracts Tendering; Mr Mark Bradwell, Head of Procurement and Contract Management.

Item 9: Mr Billy Gilpin, Director of Railway Undertaking, Irish Rail.

Items 10 & 11: Mr Noel Beecher, Head of Governance; Mr Gerard McBrien, Risk Manager.

Item 12: Mr David O’Flynn, Financial Controller.

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### **1. Declarations of Interest**

#### **a) Declarations of Interest**

None.

## **2. Minutes**

### **a) Minutes of Previous Meeting**

The draft minutes of the Board meeting held on 26<sup>th</sup> July 2024 were approved.

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

The Board noted that the October meeting will take place in Waterford.

The Board noted that Sustainability training for Board members is expected to take place in November.

## **4. CEO Report**

### **a) CEO Report**

The Chief Executive outlined developments since the last meeting and provided an update on PSO Services provision. The Chief Executive then responded to matters raised by Board members.

## **5. Taxi Maximum Fare Order**

Ms Cullinan provided an overview of Taxi Maximum Fare Order. Following the overview provided, Ms Cullinan responded to questions from the Board members.

The Board subsequently approved the Taxi Maximum Fares Order.

## **6. Transport Users Advisory Group (TUAG)**

Mr Nugent and Ms Lyes entered the meeting.

Mr Nugent provided introductory remarks regarding the Transport Users Advisory Group outlining the key aspects of its work. Following the introduction, Ms Lyes made a presentation to the Board on the work of the Group. Following the presentation, Ms Lyes and Mr Nugent responded to questions from the Board members.

On behalf of the Board, the Chairperson stated that the NTA were appreciative of the work of the Transport Users Advisory Group and recommended that the Transport Users Advisory Group appear at the NTA Board meeting on an annual basis. The Chairperson thanked Mr Nugent and Ms Lyes for attending.

Mr Nugent and Ms Lyes then left the meeting.

## **7. Capital Programme Committee Report**

### **a) Report from Committee Meeting**

Mr Docherty provided an update report from the September meeting of the Capital Programme Committee, including the Committee's consideration of two items which were the railway order decision on the DART+ West project and the introduction of the electric bus fleet.

Following the update provided above, Mr Docherty proceeded to outline that the Capital Programme Committee had also considered three further items at its September meeting, following which they were recommending approval by the Board of these items. These were in respect of the Luas fleet project and the activation of the compulsory purchase powers granted in respect of two of the BusConnects Dublin Core Bus Corridors – these items are set out in the following sections.

#### **b) Luas Fleet Preliminary Business Case**

Following discussion on this item, the Board confirmed its authorisation for the issuance of Approval Gate 1 approval in respect of the Luas Red Line Service Sustainment project, which will enable Transport Infrastructure Ireland to continue to develop the project to the pre-tender approval point.

#### **c) Liffey Valley 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 authorisation of the serving of the Notices to Treat in respect of lands identified in the "**Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022**" as confirmed by An Bord Pleanála on 19 December 2023 in accordance with Section 217(6) of the Planning and Development Act 2000 (as amended) and Section 79 of the Housing Act 1966 (as amended).

It was recalled that the *Liffey Valley to City Centre Core Bus Corridor Scheme* (the "Scheme") was presented at the NTA Board meeting of the 20 May 2022, and the Board approved the submission of the relevant applications for approval of the Scheme under the Roads Act 1993 (as amended) and confirmation of the associated compulsory land acquisition (the "**Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022**") to An Bord Pleanála. The said applications were made on 14 July 2022.

At this same earlier meeting, it was noted that all 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 Scheme. The following was also noted:

- a. the Authority is progressing the programme known as "BusConnects Dublin";
- b. the BusConnects Dublin programme includes twelve Core Bus Corridor Projects, including the Liffey Valley to City Centre Core Bus Corridor 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 noted that the following documents were currently before the Authority:

- a. Signed Compulsory Purchase Order Confirmation from An Bord Pleanála dated 19 December 2023 for the Scheme; and
- b. The proposed template for the Notice to Treat to be issued to all impacted property owners and interested parties.

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

- a. proceed to take the next steps to effect the acquisition of the land and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule to the Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022, and to restrict or otherwise interfere with the rights described in Part III (Section B), Part IV (Section B), and Part IV (Section C) of the Schedule to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications); and
- b. proceed to serve all statutory notices as may be required under any enactment, including but not limited to the service of Notices to Treat under Section 79 of the Housing Act 1966 (as amended) and Notices of Intention to Enter under section 80 of the Housing Act 1966 (as amended), and to take all such other steps as may be required to give effect to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications).

Having considered the matters, the Authority resolved:

- (i) that the Authority proceed to take the next steps to effect the acquisition of the lands and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications), and to restrict or otherwise interfere with the rights described in Part III (Section B), Part IV (Section B), and Part IV (Section C) of the Schedule to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications); and

- (ii) that the Authority proceed to serve all statutory notices as may be required under any enactment, including but not limited to the service of Notices to Treat under section 79 of the Housing Act 1966 (as amended) and Notices of Intention to Enter under section 80 of the Housing Act 1966 (as amended), and to take all such other steps as may be required to give effect to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications).

In addition, Board resolved that:

- (i) the Chief Executive is authorised, in her discretion, to take all measures as she determines to be appropriate in connection with effecting the acquisition of the land and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications), and the restriction of or otherwise interference with the rights described in Part III (Section B), Part IV (Section B), and Part IV (Section C) of the Schedule to the **“Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory, Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications), including, without limitation, in each case, on such terms and conditions as may be determined by her;
- (ii) the Chief Executive may authorise such person or persons as she deems appropriate to sign all such statutory notices and other publications and documents as may be required under any enactment, including but not limited to Notices to Treat under section 79 of the Housing Act 1966 (as amended) and Notices of Intention to Enter under section 80 of the Housing Act 1966 (as amended), and to take all such other steps as may be required to give effect to the **“Liffey Valley to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications); and
- (iii) 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.

#### **d) Ballymun/ Finglas 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 authorisation of the serving of the Notices to Treat in respect of lands identified in the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** as confirmed by An Bord Pleanála on 12 March 2024 in accordance with Section 217(6) of the Planning and Development Act 2000 (as amended) and Section 79 of the Housing Act 1966 (as amended).

It was recalled that the *Ballymun Finglas to City Centre Core Bus Corridor Scheme* (the “Scheme”) was presented at the NTA Board meeting of the 17 June 2022, and the Board approved the submission of the relevant applications for approval of the Scheme under the Roads Act 1993 (as amended) and confirmation of the associated compulsory land acquisition (the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”**) to An Bord Pleanála. The said applications were made on 15 September 2022.

At this same earlier meeting, it was noted that all 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 or operation of the Scheme. The following was also noted:

- a. the Authority is progressing the programme known as “BusConnects Dublin”;
- b. the BusConnects Dublin programme includes twelve Core Bus Corridor Projects, including the Ballymun/ Finglas to City Centre Core Bus Corridor 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 noted that the following documents were currently before the Authority:

- a. Signed Compulsory Purchase Order Confirmation from An Bord Pleanála dated 12 March 2024 for the Scheme; and
- b. The proposed template for the Notice to Treat to be issued to all impacted property owners and interested parties.

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

- a. proceed to take the next steps to effect the acquisition of the land and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule to the Ballymun/ Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022, and to restrict or otherwise interfere with the rights described in Part III (Section B), Part IV (Section B), and Part IV (Section C) of the Schedule to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications); and
- b. proceed to serve all statutory notices as may be required under any enactment, including but not limited to the service of Notices to Treat under Section 79 of the

Housing Act 1966 (as amended) and Notices of Intention to Enter under section 80 of the Housing Act 1966 (as amended), and to take all such other steps as may be required to give effect to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications).

Having considered the matters, the Authority resolved:

- (i) that the Authority proceed to take the next steps to effect the acquisition of the lands and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications), and to restrict or otherwise interfere with the rights described in Part III (Section B), Part IV (Section B), and Part IV (Section C) of the Schedule to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications); and,
- (ii) that the Authority proceed to serve all statutory notices as may be required under any enactment, including but not limited to the service of Notices to Treat under section 79 of the Housing Act 1966 (as amended) and Notices of Intention to Enter under section 80 of the Housing Act 1966 (as amended), and to take all such other steps as may be required to give effect to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications).

In addition, the NTA Board also resolved that:

- (i) the Chief Executive is authorised, in her discretion, to take all measures as she determines to be appropriate in connection with effecting the acquisition of the land and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications), and the restriction of or otherwise interference with the rights described in Part III (Section B), Part IV (Section B), and Part IV (Section C) of the Schedule to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme Compulsory, Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications), including, without limitation, in each case, on such terms and conditions as may be determined by her;
- (ii) the Chief Executive may authorise such person or persons as she deems appropriate to sign all such statutory notices and other publications and documents as may be required under any enactment, including but not limited to Notices to Treat under section 79 of the Housing Act 1966 (as amended) and Notices of Intention to Enter under section 80 of the Housing Act 1966 (as amended), and to take all such other steps as may be required to give effect to the **“Ballymun/ Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022”** (as confirmed by An Bord Pleanála without modifications); and

(iii) 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.

## **8. Iarnród Éireann – Response to planned and unplanned disruptions**

Mr Gilpin entered the meeting.

Mr Gilpin made a presentation to the Board on Iarnród Éireann's response to planned and unplanned disruptions on the rail network. Following the presentation, Mr Gilpin responded to questions from the Board members.

On behalf of the Board, the Chairperson thanked Mr Gilpin for attending.

Mr Gilpin then left the meeting.

## **9. Procurements**

### **a) ODMA (Outer Dublin Metropolitan Area) Tender**

Mr Ryan provided an overview of the procurement competition related to the provision of Outer Dublin Metropolitan Area bus services.

Following discussion on the matter, the Board approved the awarding of the contract to Go Ahead Transport Services (Dublin) Limited t/a Go-Ahead Ireland.

### **b) Economic Advisory Services**

Mr Bradwell provided an overview of the procurement competition related to the provision of Economic Advisory Services for Public Transport provision.

Following the overview provided, the Board approved the awarding of two contracts to PwC Ireland and Ernst & Young.

### **c) BusConnects Client Partner Contract**

Mr Creegan provided an overview of the procurement competition related to the provision of BusConnects Client Partner Contract.

Following the overview provided, the Board approved the awarding of the contract to Jacobs Engineering Ireland Limited.

## **10. ARC Update**

### **a) ARC Report**

The Board noted the ARC report following the meeting held on 13<sup>th</sup> September last.

### **b) C&AG Management Letter**



The Board noted the letter sent by the Comptroller and Auditor General to the NTA dated 16<sup>th</sup> August.

## **11. Risk & Governance**

### **a) Risk Update**

The Board noted the Risk Report provided by Mr Beecher.

### **b) Update Policy Documents for Approval**

Due to time constraints, the Board agreed to defer a decision on Risk Policy Documents to a future Board meeting. The Policy Documents for approval were;

- ARC Terms of Reference,
- Protected Disclosures Policy, and;
- Fraud Bribery Corruption Policy.

## **12. Finance Update**

### **a) Finance Report**

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

## **13. Proposed Amendments to NTA (Public Transport Passenger Services) Byelaws 2019**

Mr Ryan provided an overview of the proposed amendments to the NTA (Public Transport Passenger Services) Byelaws 2019.

The Board noted the update provided by Mr Ryan.

## **14. Cork BusConnects Network Redesign – Purchase of Hazelwood Centre**

The CEO provided an overview and was seeking Board approval for the NTA to purchase a small section of land from the owner of the Hazelwood Centre for the purpose of providing a terminus for route 2a of the Cork BusConencts Network Redesign.

Following the overview provided, the CEO responded to questions from the Board members. The Board subsequently approved the purchase of the small section of land at the Hazelwood Centre.

## **15. AOB**

None.

**Next Meeting: Friday 18<sup>th</sup> October 2024 @ 09.00hrs in Granville Hotel, Waterford City**

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

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