

# **Progress Report No. 7**

## **Pyrite Resolution Act 2013 (Section 9)**

### **1. Applications**

The number of completed applications submitted to 2<sup>nd</sup> October 2015 since the launch of the Pyrite Remediation Scheme on 26<sup>th</sup> February 2014 was 887 spread across 33 developments containing multiple applications and 55 single site applications. On average 10 applications per week were received in the third quarter of 2015.

A full breakdown of the applications received by county/area is attached at Appendix A and the current status of all applications is at Appendix B.

### **2. Assessment, Verification and Recommendation Process**

A total of 729 applications have been validated and referred to the Housing Agency for the Assessment and Damage Verification Process.

Damage Verification, i.e. confirmation of damage attributable to pyritic heave, may be based on an individual dwelling or on associated dwellings. Associated dwellings may thus be verified on the basis of comparable damage and / or earlier tests with similar results. HomeBond arranges testing as required and the results are submitted to Housing Agency.

### **3. Inclusion of Dwellings in the Scheme**

Following the verification process, the Housing Agency makes a recommendation to the PRB as to whether or not a dwelling should be included in the remediation scheme. Thus far, 660 dwellings have been included in the Scheme and the applicants have been notified accordingly.

### **4. Tendering, Award of Contracts and Remediation**

Of the 660 dwellings included in the Scheme, the progress is as follows:

- To date 98 dwellings have been remediated.
- Works contracts are in place for 7 developments totalling 108 dwellings.
- The tendering and pre-contract process is underway for 8 projects, totalling 219 dwellings.

- Engineers are preparing Remedial Works Plans for 3 projects, totalling 75 dwellings. (Stage 3b under the Scheme).

It is expected that in the order of 231 dwellings will be remediated or under remediation in 2015.

## **5. Prioritising and Programming of Remediation Works**

The Act and the Scheme set out the criteria that the PRB must have regard to in determining priorities. Priority cases are identified and placed appropriately within the programme.

## **6. Refusal of Application and Exclusion of Dwellings**

If the eligibility criteria of the Scheme are not met, a Decision Maker may decide to:

- (a) refuse an application following the Validation Process, or
- (b) exclude a dwelling from the Scheme following the Assessment, Verification and Recommendation Process.

To date, a total of 12 applications have been refused following the Validation Process because the Scheme's eligibility requirements were not deemed to be met. (N.B. This figure does not include applications that have been refused for administrative reasons, e.g. withdrawn, duplicate applications etc.).

### Refusals relating to damage condition rating (DCR) of 1

The majority of the refusals relate to detached dwellings with a DCR of 1. While dwellings with DCR of 1 do not meet the eligibility criteria under the Scheme, those that adjoin a dwelling with a DCR of 2, may be considered under "exceptional circumstances" as defined in the Act. The Housing Agency is notified of such cases and will consider making a recommendation in this regard to the Board. Should a dwelling not adjoin a dwelling with a DCR of 2, the application is refused and the applicant notified accordingly. The applicant is informed that should the damage progress, resulting in a DCR of 2, he/she may reapply.

### Refusals relating to multiple applications or ownership changes

A further two refusals relate to applicants applying for more than one dwelling\* and one case relates to the fact that the applicant was no longer the owner.

\* "exceptional circumstances" may also apply.

### Refusal to include extensions to dwellings, where the extension was constructed during the period of eligibility

Two refusals relate to the inclusion of extensions (constructed during the eligible period) to dwellings constructed outside the eligible period. The decision to refuse was subsequently appealed as outlined in Section 7 that follows.

### Exclusion following the Assessment, Verification and Recommendation Process

No dwellings have been excluded thus far following the Assessment, Verification and Recommendation Process.

## **7. Appeals Procedure**

The Board has prescribed procedures under Section 27 of the *Pyrite Resolution Act 2013* for the hearing and determination of appeals against decisions made by Decision Makers appointed by the PRB, on applications for the inclusion of dwellings in the Scheme. These can be found in the “Applications & Appeals” section of the Board’s website.

Of the 12 refused applications referred to in Section 6 above, 5 valid appeals have been submitted. Three relate to detached dwellings recording a damage condition rating of 1 and two relate to the eligibility of an extension to dwellings, where the extension was constructed during the period of eligibility. Currently, the decision in relation to one appeal is pending.

### Appeals following refusal to include dwellings with a damage condition rating of 1

Three appeals were received, following refusal of applications during the validation process, where the dwellings (detached) had a damage condition rating of 1.

Two of the three appeals were withdrawn and superseded by new applications, as damage had progressed to a rating of 2, thereby meeting the eligibility criteria. Both dwellings were subsequently included in the Scheme and remediation work to one is now complete.

The third appeal related to the refusal of an application for a detached dwelling with damage condition rating of 1. The Board affirmed the decision of the Decision Maker to refuse.

### Appeals following refusal to include extensions to dwellings, where the extension was constructed during the period of eligibility

Two appeals were received following the refusal to include extensions (constructed during the eligible period) to a dwellings constructed outside the eligible period.

In determining the appeals, an extension, used for habitable purposes, was considered to be a dwelling for the purposes of the *Pyrite Resolution Act 2013*. The Board overturned the decision of the decision maker to refuse the applications and both applications were subsequently validated. They are currently with the Housing Agency for the Assessment, Verification and Recommendation Process.

## **8. Website Update**

As outlined in Section 7 above, the PRB's website content has been revised to reflect the fact that an extension, used for habitable purposes, is considered to be a dwelling for the purposes of the *Pyrite Resolution Act 2013*.

New website content in relation to Data Protection, Freedom of Information and Access to Information on the Environment was also approved by the Board and will be uploaded to the website shortly.

2<sup>nd</sup> October 2015

## Summary of Applications Submitted as at 2<sup>nd</sup> October 2015

Local Authority	Applications
Dublin City Council	26
Dún Laoghaire-Rathdown Co. Co.	3
Fingal County Council	573
Kildare County Council	17
Meath County Council	238
Offaly County Council	20
South Dublin County Council	10
<b>Grand Total</b>	<b>887</b>

Stage	Applications
1. Application & Validation	137
2. Damage Assessment/Verification	69
3. Remedial Works Plan	235
4. Tendering & Tender Analysis	46
5. Decision to Contract	173
6. Dwelling Remediation	108
7. Retention Period – 12 months	98
8. Application Closed	21
<b>Grand Total</b>	<b>887</b>

County/Area	Applications
<b>Dublin</b>	<b>463</b>
Balbriggan	142
Ballyboughal	2
Donabate	66
Kinsealy	10
Lusk	137
Malahide	1
Newcastle	13
Oldtown	1
Portmarnock	2
Rush	85
Skerries	1
Swords	2
Sutton	1
<b>Dublin 11</b>	<b>4</b>
Finglas	1
Meakstown	2
Cappagh	1
<b>Dublin 15</b>	<b>89</b>
Ashtown	8
Blanchardstown	2
Castleknock	3
Clonsilla	1
Hollystown	2
Mulhuddart	72
Ongar	1
<b>Dublin 16</b>	<b>3</b>
Ballinteer	3
<b>Dublin 8</b>	<b>7</b>
Heytesbury Street	7
<b>Dublin 9</b>	<b>46</b>
Ballymun	1
Santry	45
<b>Kildare</b>	<b>17</b>
Donadea	1
Enfield	2
Kilcock	3
Leixlip	5
Maynooth	6
<b>Meath</b>	<b>238</b>
Ashbourne	142
Ballivor	1
Clonalvy	1
Dunboyne	23
Dunshaughlin	22
Enfield	33
Kilbride	1
Kilmessan	1
Kinnegad	1
Longwood	1
Navan	2
Robinstown	1
Summerhill	7
The Ward	1
Trim	1
<b>Offaly</b>	<b>20</b>
Edenderry	20
<b>Grand Total</b>	<b>887</b>

## Appendix B – Status of Applications up to 2<sup>nd</sup> October 2015

<b>Status</b>	<b>Applications</b>
<b>In Validation Process</b>	<b>137</b>
<b>Validated and awaiting verification</b>	<b>69</b>
<b>Included in Scheme</b>	<b>660</b>
<i>Planning/Scheduling</i>	<i>160</i>
<i>Preparation of Specification &amp; Tender</i>	<i>75</i>
<i>Tendering &amp; Tendering Analysis</i>	<i>46</i>
<i>Decision to Contract</i>	<i>173</i>
<i>Remediation Works</i>	<i>108</i>
<i>Works Complete &amp; Certified</i>	<i>98</i>
<b>Closed</b>	<b>21</b>
<b>Grand Total</b>	<b>887</b>