Extract from the minutes:

Councillor M. D'Alton proposed, seconded by Councillor M. Linehan-Foley, the following notice of motion:-

> "That Cork County Council would invoke its powers under Section 35 of the Planning & Development Act 2000 and refuse to grant planning permission for new developments to developers who have left unfinished residential estates in either County Cork or any other county in Ireland."

Members made the following points:-

- Developers can go on to build other estates, even when they have left estates unfinished;
- Is there any legislation that could stop developers from making further applications;
- Some housing estates have fumes from untreated sewage;
- There are no repercussions for developers who leave estates unfinished;
- The only way forward is to draw down the bonds;
- We need to show residents that the Council supports them;
- Difficult to track developers down when they are trading under a different name;
- The Council is picking up the tab for unscrupulous developers;
- Children are exposed to dangerous conditions where they live;
- TDs need to do more to help the situation;
- Put a system in place so that developers can be picked up and rejected for planning.

The Deputy Chief Executive said that Section 35 has been in the Planning and Development Act since 2000 and has never been invoked by any local authority because of difficulties with company name changes and the costs involved in High Court action. The local authority would have to prove that substantial unauthorised development has taken place.

The Deputy Chief Executive also said that the Department of the Environment did make emergency funding available a few years ago and work was carried out. They are now looking into further measures to help local authorities and this matter needs to be considered further at national level, in particular in relation to burden of proof.

On the proposal of Cllr. M. D'Alton, seconded by Cllr. F. O'Flynn, it was agreed to refer the matter to the Planning SPC for further consideration.