



# Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
Planning, Economic and Rural Development**

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel (0404) 20148  
Faics / Fax (0404) 69462  
Rphost / Email [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

**Ronan Rose Roberts Architects  
First Floor  
Morton's lane  
Wicklow  
Co. Wicklow  
A67 TF44**

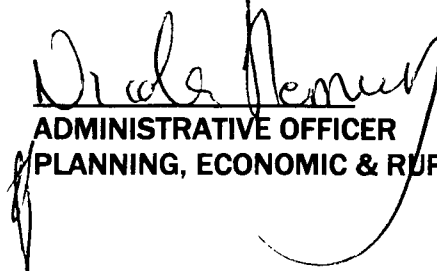
 June 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX56/2025 –Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow**

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

  
**ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT**





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## Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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### DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Jacks Hole Beach Resort DAC

Location: Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/581

A question has arisen as to whether "the replacement of existing mobile (3960 x 14630mm) with new mobile (4876mm X 14630mm at Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is or is not exempted development.

#### Having regard to:

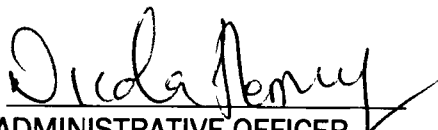
- a) The details submitted on the 13/05/2025.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)

#### Main Reasons with respect to Section 5 Declaration:

- 1. The proposed development would not come within the scope of the definition of works in Section 2 of the Planning & Development Act 2000, as amended, and would therefore not come within the scope of definition of development in Section 3 of the Planning & Development Act 2000, as amended.

The Planning Authority considers that "the replacement of existing mobile (3960 x 14630mm) with new mobile (4876mm X 14630mm at Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is not development.

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  June 2025



WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/581

Reference Number: EX 56/2025

Name of Applicant: Jacks Hole Beach Resort DAC

Nature of Application: Section 5 Referral as to whether or not "the replacement of existing mobile (3960 x 14630mm) with new mobile (4876mm X 14630mm)" is or is not development and is or is not exempted development.

Location of Subject Site: Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow

Report from Billy Slater, AP & Fergal Keogh, SE

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the replacement of existing mobile (3960 x 14630mm) with new mobile (4876mm X 14630mm) at Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- a) The details submitted on the 13/05/2025.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)

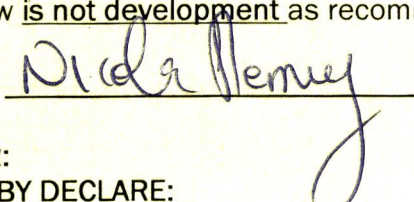
Main Reason with respect to Section 5 Declaration:

1. The proposed development would not come within the scope of the definition of works in Section 2 of the Planning & Development Act 2000, as amended, and would therefore not come within the scope of definition of development in Section 3 of the Planning & Development Act 2000, as amended.

**Recommendation**

The Planning Authority considers that "the replacement of existing mobile (3960 x 14630mm) with new mobile (4876mm X 14630mm) at Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is not development as recommended in the report by the SE.

Signed



Dated

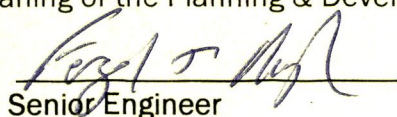
5th day of June 2025

ORDER:

I HEREBY DECLARE:

That "the replacement of existing mobile (3960 x 14630mm) with new mobile (4876mm X 14630mm) at Site R60, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is not development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

  
Senior Engineer

Planning, Economic & Rural Development

Dated 5th day of June 2025



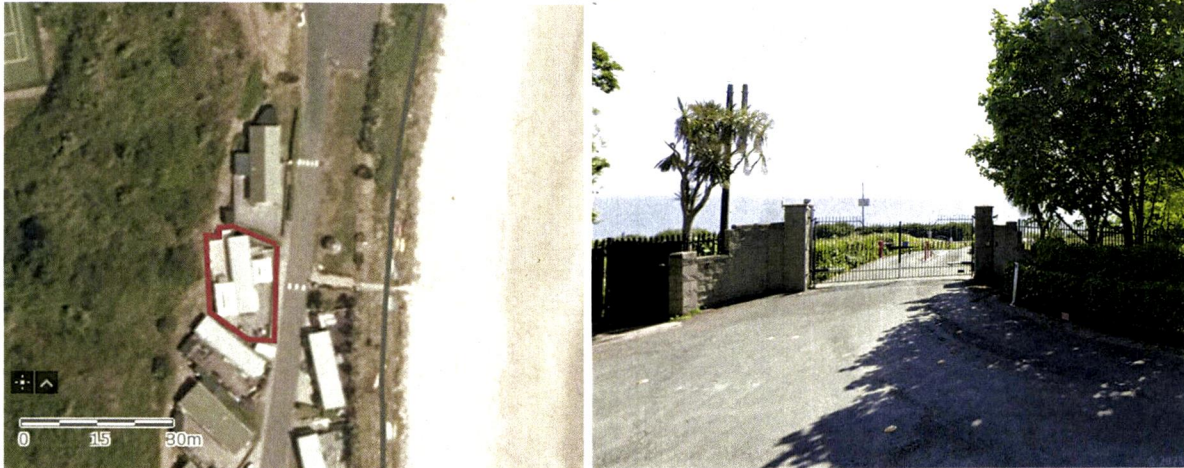


**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

**To:** Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.  
**From:** Billy Slater A.P.  
**Type:** Section 5 Application  
**REF:** EX 56/2025  
**Applicant:** Jack Hole Beach Resort DAC  
**Date of Application:** 13/05/2025  
**Decision Due Date:** 09/06/2025  
**Address:** Brittas Bay, Co. Wicklow  
**Exemption Query:** Whether the modification for existing mobile home (3960 x 14630 mm) on same site is or is not exempted development under the Planning and Development Act 200 (as modified) and the regulations made thereafter

**Application Site:** The application site is located within the Jacks Hole Beach Resort, some 250m east of the level 8 rural settlement of Ballynacarrig-Brittas Bay. The subject site is accessed off of a private roadway which is in turn accessed via the R-750 Regional Road. The site is occupied by an existing mobile home and is bound buy further mobile homes within Jacks Hole Beach Resort to the north, south, and east.

**Aerial / Site Image (at entrance onto public road)**



**Section 5 Referral**

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

- The replacement of existing mobile home (3960 x 14630mm) with new mobile home (4876 x 14630mm).

at Brittas Bay, Co. Wicklow

**Relevant Planning History:**

Ref 92/8661 - PL27/091078  
Applicant Mastertone Ltd  
Development 9 mobile homes and associated roads and services

Decision	Grant
Ref	89/4826 - PL 27/5/81179
Applicant	Mastertone Ltd
Development	Extension to caravan park together with supporting infrastructural services and a separate access road
Decision	Grant

#### Section 5

Ref	EX71/2023
Development	Whether the replacement of existing mobile home (3960 x 14630 mm) with new mobile home (4877mm x 14630 mm) on same site is or is not development and is or is not exempted development at Plot BR56, Jack's Hole Beach Resort Brittas Bay, Co. Wicklow.
Recommendation	Not Development
Ref	EX82/2021
Development	Whether the replacement of existing mobile home (3960 x 14630 mm) with new mobile home (4877mm x 14630 mm) on same site is or is not development at Plot B23, Jack's Hole Beach Resort Brittas Bay, Co. Wicklow.
Recommendation	Not Development

#### **Question:**

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether;

- The replacement of existing mobile home (3960 x 14630mm) with new mobile home (4876 x 14630mm).

at Brittas Bay, Co. Wicklow is or is not exempted development:

#### **Legislative Context:**

##### **Planning and Development Act 2000 (as amended)**

**Section 2(1)** of the Act states the following in respect of the following:

*"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

*"works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*

**Section 3(1)** of the Act states the following in respect of 'development':

*"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."*

**Section 4** sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

**Section 4 (1) (h)** states:

*“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”*

**Section 4(2)** makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

**Planning and Development Regulations, 2001 (as amended)**

**Article 6(1)** states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

**Article 9(1) (a) and (b)** details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

**Schedule 2, Part 1** outlines classes of exempt development as well as associated conditions and limitations.

**Details submitted in support of the application:**

- Cover letter
- Site location map
- Site layout plan
- Elevational drawings of proposed / existing mobile home

**Assessment:**

The Section 5 declaration application seeks an answer with respect to the following question:

Whether

- The replacement of existing mobile home (3960 x 14630mm) with new mobile home (4876 x 14630mm).

at Brittas Bay, Co. Wicklow is or is not exempted development.

The proposal will result in an increase in height of the mobile home, from 2450mm to 3217mm, and an increase in floor area, from 57.93sqm to 71.34sqm (difference of 13.41sq.m or 23.15% increase). The impact of the provision of such a replacement mobile home would, based on the layout / drawings provided, be considered to be largely in line with the existing mobile home on site.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

*“development”* means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Having regard to the normal process that takes place when a mobile home is being replaced, it could be considered that same would not include any act or operation of construction, excavation, or demolition. I also consider that given the mobile is fully replaced it would not be an act or operation of extension, alteration, repair, or renewal. On the basis of same, and also having regard to the planning history observed within the Jacks Hole Caravan Park in which the Planning Authority previously issued no.2 declarations of a similar matter, it could be considered that the replacement of an existing development with a similar mobile would not be works and therefore would not be development.

**Recommendation :**

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether

- The replacement of existing mobile home (3960 x 14630mm) with new mobile home (4876 x 14630mm).

at Brittas Bay, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).


The Planning Authority considers that the replacement of existing mobile home (3960 x 14630mm) with new mobile home (4876 x 14630mm) at Brittas Bay, Co. Wicklow **is not development**.

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted on the 13/05/2025.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

1. The proposed development would not come within the scope of the definition of works in Section 2 of the Planning & Development Act 2000, as amended, and would therefore not come within the scope of definition of development in Section 3 of the Planning & Development Act 2000, as amended.

  
Billy Slater A.P.  
03/06/2025

Agreed  
17/06/25  
04/06/25  
MAY LSE



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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Billy Slater  
Assistant Planner**

**FROM: Nicola Fleming  
Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX56/2025**

I enclose herewith application for Section 5 Declaration received completed on 13/05/2025.

The due date on this declaration is 9<sup>th</sup> June 2025.

  
\_\_\_\_\_  
**Staff Officer  
Planning, Economic & Rural Development**







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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Ronan Rose Roberts Architects  
First Floor  
Mortons Lane  
Wicklow  
Co. Wicklow**

16<sup>th</sup> May 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX56/2025 – Jacks Hole Beach Resort DAC**

A Chara

I wish to acknowledge receipt on 13/05/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 09/06/2025.

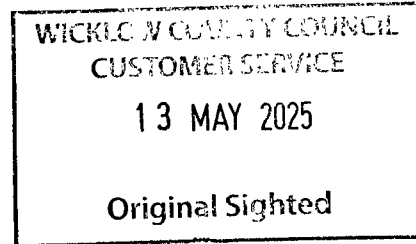
Mise, le meas

**Nicola Fleming  
Staff Officer  
Planning, Economic & Rural Development**



RONAN  
ROSE  
ROBERTS  
**ARCHITECTS**

Chief Planning Officer,  
Planning Department  
Wicklow County Council  
Whitegates, Wicklow  
Co Wicklow



12th May 2025

**Re: Section 5 Declaration Application for Exempted Development, Mobile Home R60 Jacks Hole Beach Resort, Brittas Bay, Co Wicklow**

Dear Sir/Madam,

On behalf of our client, Jacks Hole Beach Resort DAC, we submit a Section 5 Declaration application for the replacement of an existing mobile home with a new mobile home. The reason for the replacement is the age and condition of the existing mobile home.

The proposed changes are:

- Changes to elevations as described on drawings.
- Increase in height of the mobile home from 2450mm to 3216 mm (difference 766mm).
- Increase in width of the mobile home from 3960mm to 4876mm (difference 916mm).

We enclose 1 copy of each of the following:

application form,  
this letter

copy of the following drawings, all on 1 no A1 sheet:

Site Location Map survey drawing, 1:2000

Existing and proposed Site layout plan 1:200

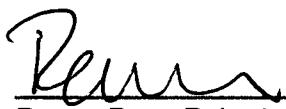
Proposed elevations of mobile home, 1:100

Cheque in sum of €80.00

If you have any queries please don't hesitate to make contact.

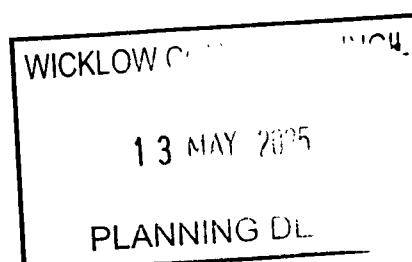
We look forward to a positive response at your earliest convenience.

Yours faithfully,

  
Ronan Rose-Roberts, MRIAI

CC Client

Morton's Lane, Wicklow,  
Co Wicklow A67 TF44  
01-4753796 0404-34652  
info@ronanroseroberts.com  
www.ronanroseroberts.com



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

13/05/2025 09:41:45

Receipt No L1/0/345271

RONAN ROSE-ROBERTS ARCHITECTS  
MORTAN'S LANE  
WICKLOW TOWN  
A67 TF44

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered

Cheque	80.00
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R60 JACKS HOLE BEACH RESORT

Change	0.00
--------	------

Issued By Tom Byrne  
From Customer Service Hub  
Vat reg No 0015233H



**Wicklow County Council**  
**County Buildings**  
**Wicklow**  
**Co Wicklow**  
**Telephone 0404 20148**  
**Fax 0404 69462**

**Office Use Only**

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

**APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

**1. Applicant Details**

- (a) Name of applicant: Jacks Hole Beach Resort DAC  
Address of applicant: Jacks Hole Beach Resort, Brittas Bay, Co Wicklow

\_\_\_\_\_

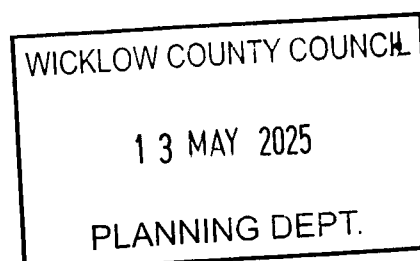
Note Phone number and email to be filled in on separate page.

**2. Agents Details (Where Applicable)**

- (b) Name of Agent (where applicable) Ronan Rose Roberts Architects  
Address of Agent : First Floor, Mortons Lane, Wicklow, Co Wicklow

\_\_\_\_\_

Note Phone number and email to be filled in on separate page.



### **3. Declaration Details**

i. Location of Development subject of Declaration Site R60, Jacks Hole beach Resort,  
Brittas Bay, Co Wicklow \_\_\_\_\_  
\_\_\_\_\_

ii. Are you the owner and/or occupier of these lands at the location under i. above ? Yes/  
No. **Yes.**

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or  
occupier \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iv. Section 5 of the Planning and Development Act provides that : If any question arises  
as to what, in any particular case, is or is not development and is or is not exempted  
development, within the meaning of this act, any person may, on payment of the  
prescribed fee, request in writing from the relevant planning authority a declaration  
on that question. You should therefore set out the query for which you seek the  
Section 5 Declaration :

**Whether the modification of existing mobile home (3960 x 14630 mm) on same site is  
or is not development and is or is not exempted development under the Planning  
and Development Act 2000 (as modified) and the regulations made thereunder.** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Additional details may be submitted by way of separate submission.*

v. Indication of the Sections of the Planning and Development Act or Planning  
Regulations you consider relevant to the Declaration \_\_\_\_\_

**Section 5 Planning and Development Act 2000** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*Additional details may be submitted by way of separate submission.*

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vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure) ? \_\_\_\_\_

No

vii. List of Plans, Drawings submitted with this Declaration Application \_\_\_\_\_

Site Location map 1:2000, Site layout plan 1:200, elevations 1:100

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viii. Fee of € 80 Attached ? Yes

Signed : Pam Rose-Rohlf Dated : 12 / 05 / 2025

**Additional Notes :**

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

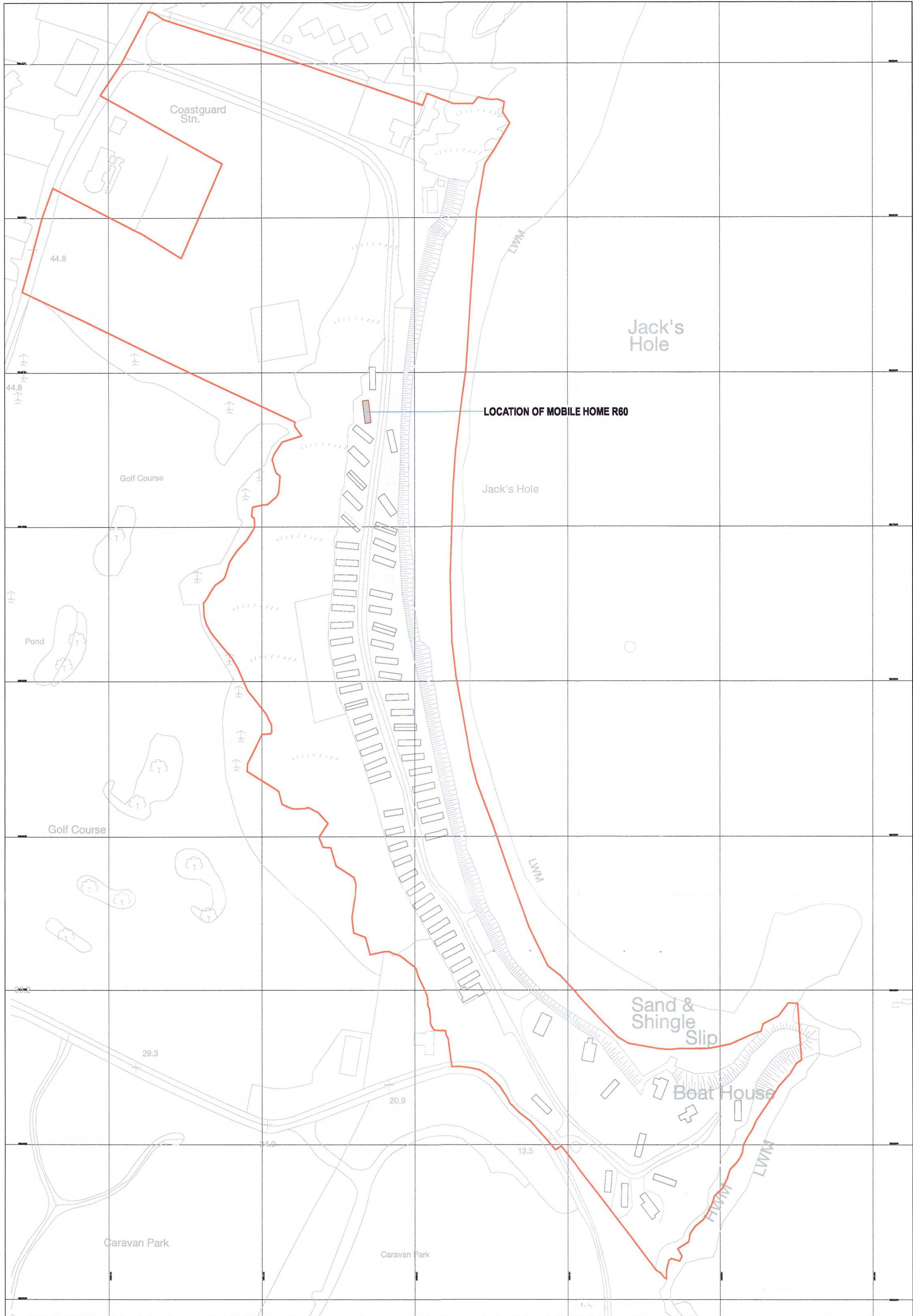
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation works as set out under the European Communities ( Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.





Site Location Map 1:2000

EXISTING EXTERNAL FINISHES:

BARREL SHAPED ROOF -  
MODIFIED BITUMEN WATERPROOF FINISH, HIDDEN  
GUTTERING BEHIND PARAPET

EXTERNAL WALLS -  
PAINTED ALUMINIUM, OFF-WHITE, GREEN

EXTERNAL WINDOWS / DOORS  
ALUMINIUM, SINGLE GLAZED, GREY

RAINWATER GOODS -  
WHITE PVC ROUND RWPS, HIDDEN GUTTERS

PROPOSED EXTERNAL FINISHES:

PITCHED ROOF -  
POLYESTER POWDERCOATED PRESSED METAL  
SHEETS WITH TILE PATTERN, DARK GREEN COLOUR

EXTERNAL WALLS -  
ACRYLIC RENDER

EXTERNAL WINDOWS / DOORS  
WHITE PVC

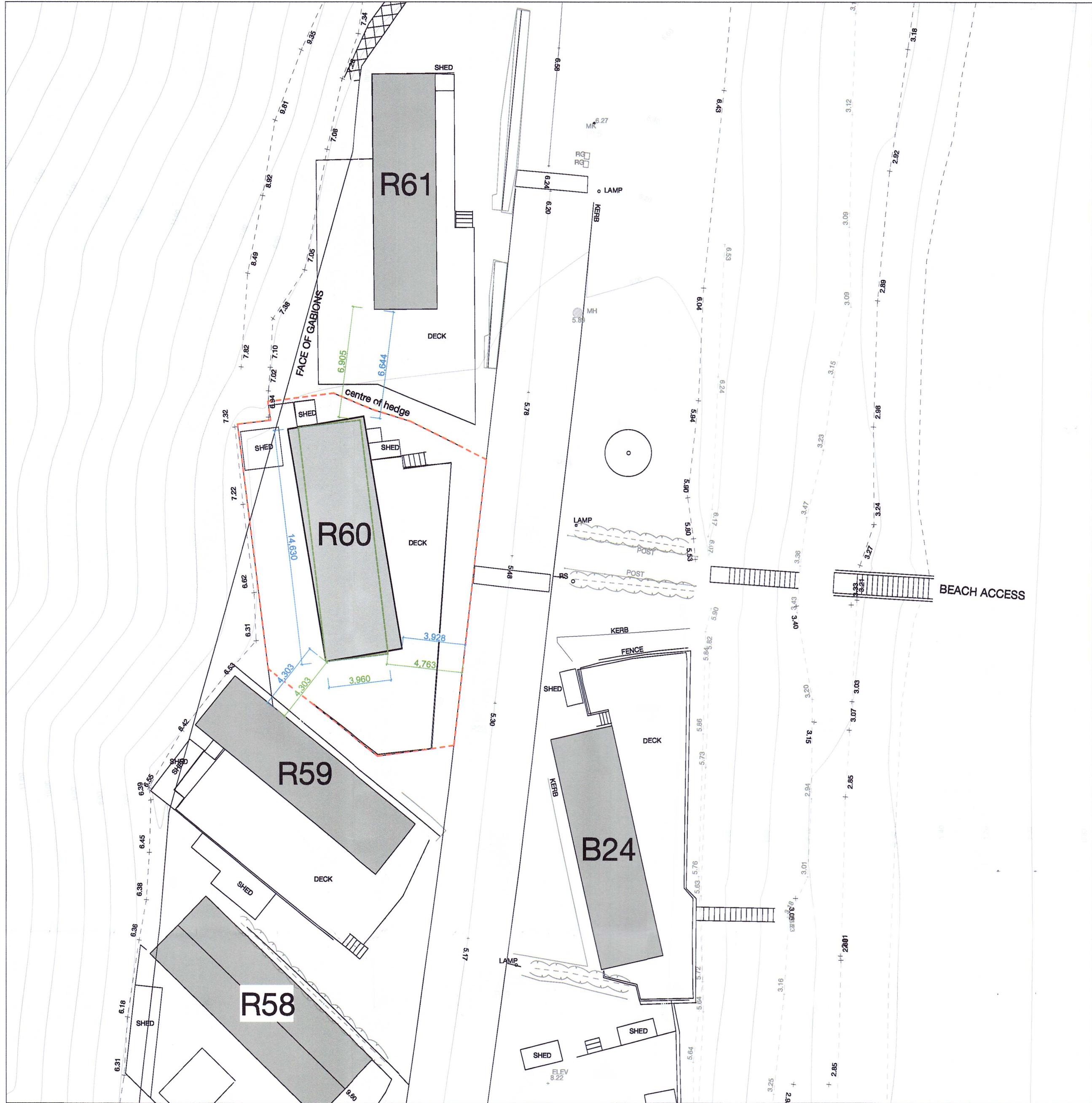
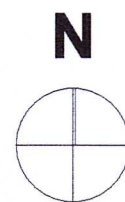
RAINWATER GOODS -  
WHITE PVC GUTTERING & RWPS

FASCIAS & SOFFITS -  
WHITE PVC

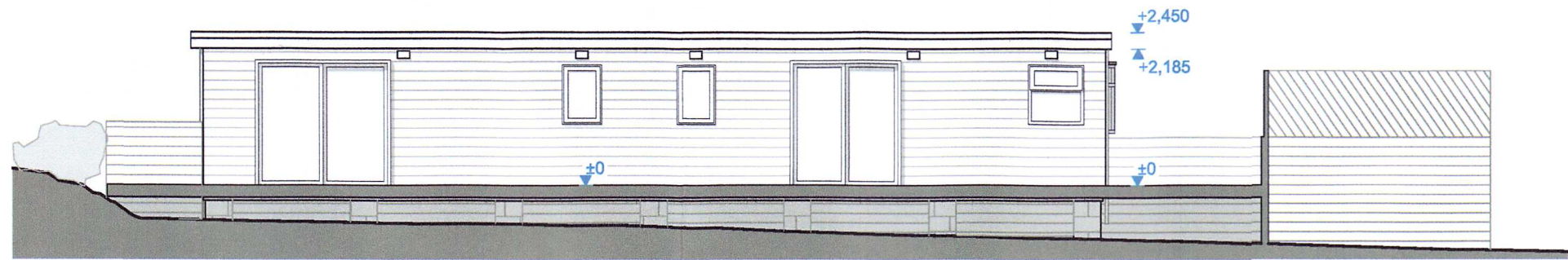
DEMOLITIONS/REMOVALS -

EXTENT OF JACK BEACH RESORT -

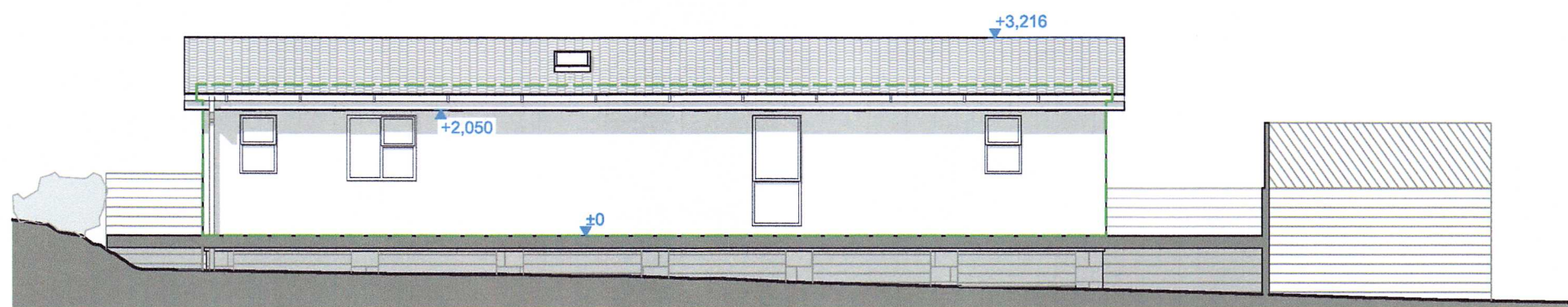
EXTENT OF SUBJECT SITE -



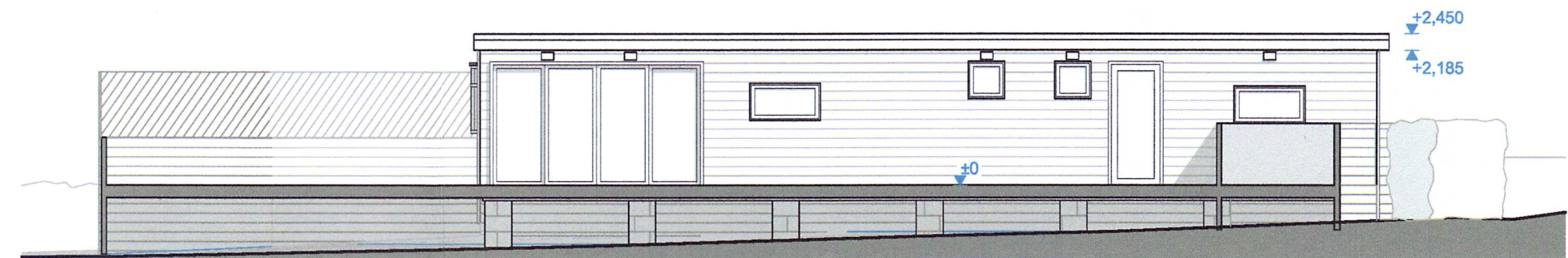
Existing Site Layout Plan 1:200



Existing Side Elevation facing East 1:100



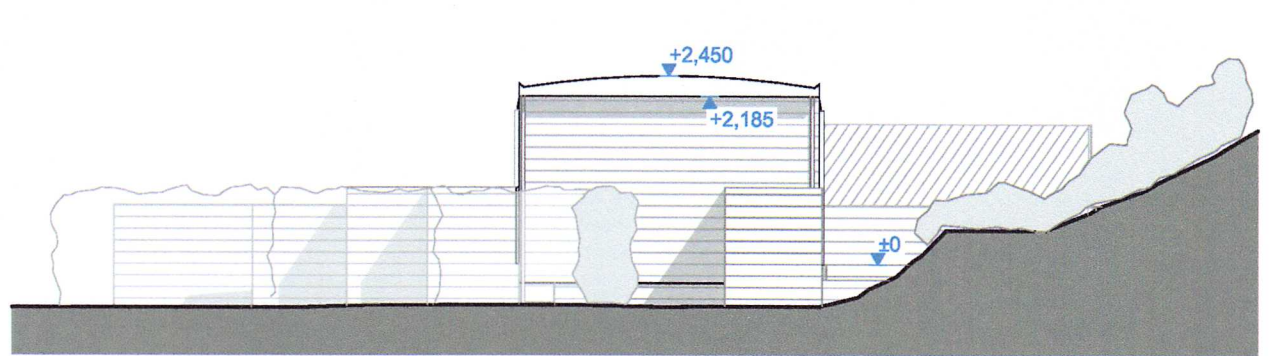
Proposed Side Elevation facing East 1:100



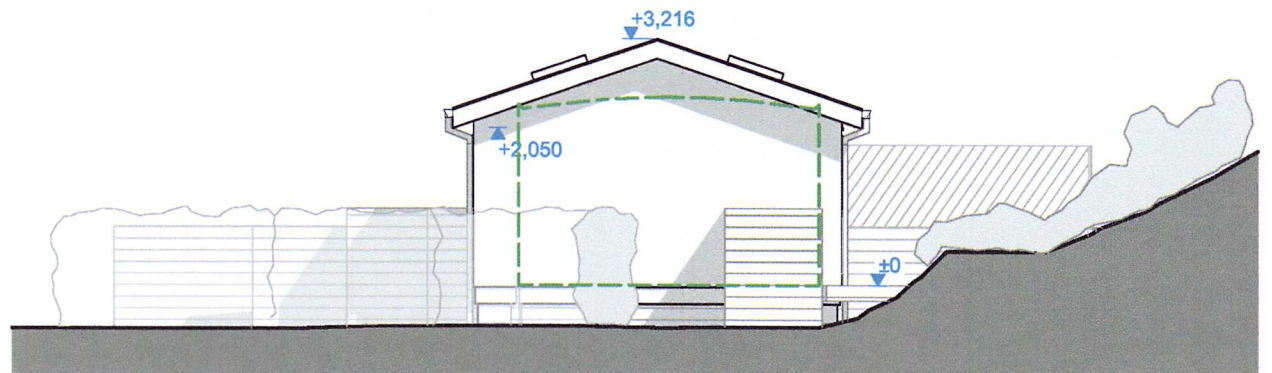
Existing Side Elevation Facing West 1:100



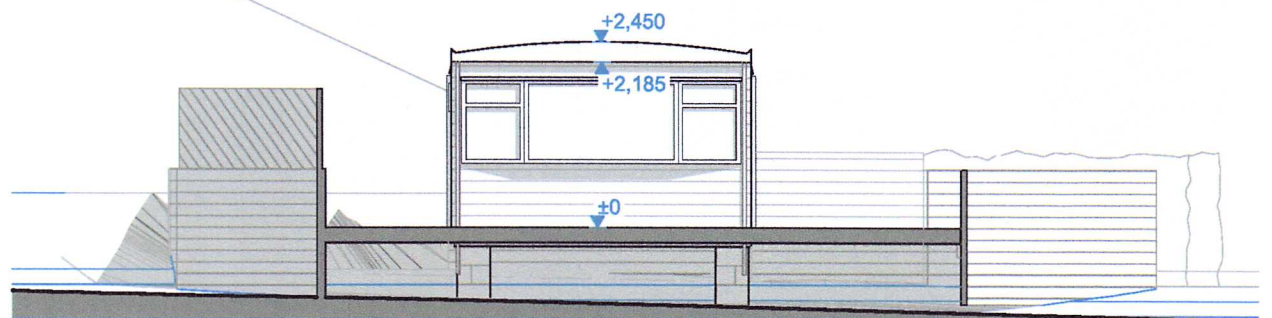
Proposed Side Elevation Facing West 1:100



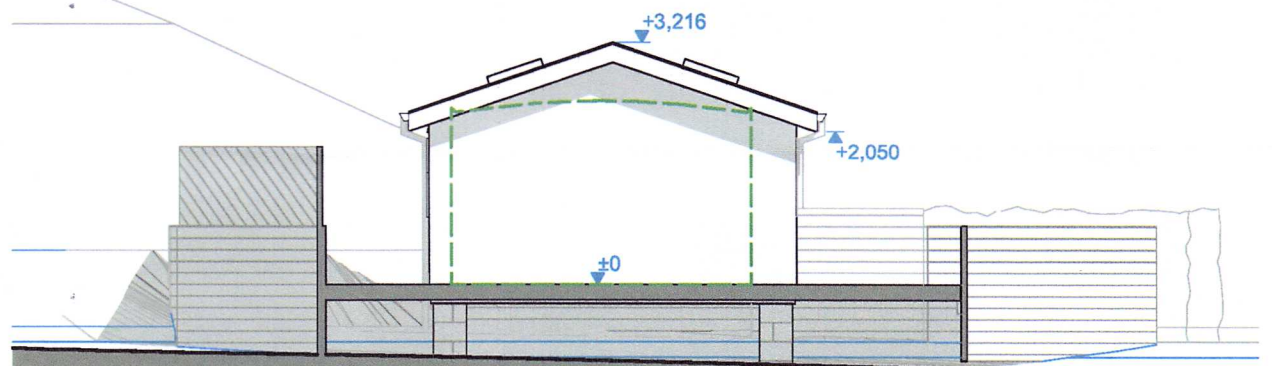
Existing Front Elevation facing North 1:100



Proposed Front Elevation facing North 1:100



Existing Rear Elevation facing South 1:100



Proposed Rear Elevation facing South 1:100

REV.	DATE	DESCRIPTION	AUTHOR	Wicklow: mortons lane, wicklow town, A67TF44, t0404-34652, dublin: synges street, dublin 8 t01-4753796 e: info@ronanrosenroberts.com w: www.rosenroberts.com
A	2025.04.09	Issued for client's comments/approval on Section 5 Declaration Application	JJ	PROJECT: Works to to Jack's Hole Beach Resort Unit B11
B	2025.05.12	Issued for Section 5 Declaration Application	JJ	CLIENT: JHBR DAC
				JOB NO: 1904
				DATE: 12/05/2025
				DRAWING: Site location, Layout & Elevations
				STAGE: Section 5 Declaration
				SCALE: As per notes. Print @ 100% on Arch D. Do not 'scale to fit'.
				DRAWING NO: R60.01
				NOTIFY ARCHITECTS OF ANY DISCREPANCIES DO NOT SCALE FROM DRAWING CHECK DIMENSIONS ON-SITE COPYRIGHT RESERVED