

Comhairle Contae Chill Mhantáin Ulicklow 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 Suíomh / Website: www.wicklow.ie



Ronan Rose Roberts Architects Mortons Lane Wicklow Co. Wicklow A67 TF44

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX101/2024 Jacks Hole Beach Resort DAC

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 Pleanala 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







Comhairle Contae Chill Mhantáin Ulicklow County Council

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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: Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow

Reference Number: EX101/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1455

Section 5 Declaration as to whether "the modification of existing mobile home on Site H03 (3930x14630mm)" at Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) Details submitted with the Section 5 Declaration application and further information submitted on the 28th November 2024.
- b) Section 2,3 and 4 (1)(h) of the Planning and Development Act 2000(as amended)

Main Reasons with respect to Section 5 Declaration:

- (i) The modification of the existing mobile home on site would come within the definition of works as set out in Section 2 the Planning and Development Act 2000(as amended) as it involves operations of repair and renewal.
- (ii) Such works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- (iii) Given the retention of the structure, and the modifications identified it is considered that the works would be exempted by reference to Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they would be works of maintenance, improvement or other alteration of any structure, 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.

The Planning Authority considers that "the modification of existing mobile home on Site H03 (3930x14630mm)" at Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated December 2024





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1455

Reference Number:

EX101/2024

Name of Applicant:

Jacks Hole Beach Resort DAC

Nature of Application:

Section 5 Declaration request as to whether or not: "the modification of existing mobile home on Site
H03 (3930x14630mm)" is or is not development and

is or is not exempted development.

Location of Subject Site:

Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay,

Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the modification of existing mobile home on Site H03 (3930x14630mm)" at Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- (a) Details submitted with the Section 5 Declaration application and further information submitted on the 28th November 2024.
- (b) Section 2,3 and 4 (1)(h) of the Planning and Development Act 2000(as amended)

Main Reason with respect to Section 5 Declaration:

- (i) The modification of the existing mobile home on site would come within the definition of works as set out in Section 2 the Planning and Development Act 2000(as amended) as it involves operations of repair and renewal.
- (ii) Such works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- (iii) Given the retention of the structure, and the modifications identified it is considered that the works would be exempted by reference to Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they would be works of maintenance, improvement or other alteration of any structure, 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.

Recommendation:

The Planning Authority considers that the modification of existing mobile home on Site H03 (3930x14630mm)" at Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed .

Dated day of December 2024

ORDER:

I HEREBY DECLARE THAT "the modification of existing mobile home on Site H03 (3930x14630mm)" at Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

enior Engineer

Planning, Economic & Rural Development

Dated day of December 2024

Section 5 Application EX 101/2024

Date:

4/12/2024

Applicant :

Jacks Hole Beach Resort DAC

Address:

Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow

Exemption

Whether or not:

Modification of existing mobile home on Site H03 (3930 x 14630mm) on same site

constitutes exempted development within the meaning of the Planning and

Development Acts, 2000(as amended).

See previous report dated the 21st November 2024, further information issued on foot of this report and a reply was received on the 28th November 2024.

Assessment:

Further Information issued i.e.

- 1. Having regard to the provisions of Section 5(1)(b) of the Planning and Development Act 2000(as amended) the following further information is requested
 - (i) From drawings it would appear that the existing mobile home is to be demolished and replaced, with only the base being retained. You are requested to set out in full the exact works and whether it involves full demolition of the existing mobile home.
 - (ii) Please clarify the final colour of replacement structure.

The submitted details identify that the mobile home will not be demolished but that the external wall finishes will be on top of existing, and will involve removal of old windows and doors and replacement with new windows and doors. The external finish will be painted aluminium in off-white, green colour. In addition the roof will be removed and replaced.

Given the retention of the structure, and the modifications identified it is considered that the works would be exempted by reference to Section 4(1)(h) as they would be works of maintenance, improvement or other alteration of any structure, 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.

Recommendation:

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

Modification of existing mobile home on Site H03 (3930 x 14630mm) Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers, the Modification of existing mobile home on Site B11 (3930 x 14630mm) is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- (a) Details submitted with the Section 5 Declaration application and further information submitted on the 28th November 2024.
- Section 2.3 and 4 (1)(h) of the Planning and Development Act 2000(as amended) (b)

Main Reasons with respect to Section 5 Declaration:

- The modification of the existing mobile home on site would come within the definition of (i) works as set out in Section 2 the Planning and Development Act 2000(as amended) as it involves operations of repair and renewal.
- Such works are development having regard to the provisions of Section 3(1)(a) of the (ii) Planning and Development Act 2000(as amended).
- (iii) Given the retention of the structure, and the modifications identified it is considered that the works would be exempted by reference to Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they would be works of maintenance, improvement or other alteration of any structure, which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the characterof the of neighbouring structures.

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4/12/2024

Tour declaration of My 1 12

16/12/24



Comhairle Contae Chill Mhantáin Ulicklow County Council

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

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

FROM:

Nicola Fleming

Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX101/2024

I enclose herewith application for Section 5 Declaration received completed on 18/11/2024 along with further information received on 28/11/2024.

The due date on this declaration is 18th December 2024.

Staff Officer

Planning, Economic & Rural Development







From:

Nicola Fleming

Sent:

Tuesday 3 December 2024 09:25

To:

'info'

Subject:

RE: APPLICATION FOR CERT OF EXEMPTION EX101/2024 H03 & EX100/2024 B11,

JACKS HOLE BEACH RESORT

I acknowledge receipt of your email and advise that a decision is due on EX100/2024 & EX101/2024 on 18th December 2024.

Regards,

Nicola Flemina

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph**2**: +353 (0404) 20148 | '~: nfleming@wicklowcoco.ie

Website: http://www.wicklow.ie





From: info [mailto:info@ronanroseroberts.com]
Sent: Thursday 28 November 2024 16;55

To: Nicola Fleming

Subject: APPLICATION FOR CERT OF EXEMPTION EX101/2024 H03 & EX100/2024 B11, JACKS HOLE BEACH

RESORT

External Sender - From: (info <info@ronanroseroberts.com>)

This message came from outside your organisation.

CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Nicola

I received your letters dated 26th November in relation to the above applications for certificates of Exemption.

I wish to confirm that the existing caravans are to be retained, not demolished.

I have added a schedule of works to the drawings to explain.

If you require that I send in printed copies of the drawings I can do so. If you need anything else please let me know

Thanks for your assistance with this.

Kind regards, Ronan Rose-Roberts MRIAL Dip Arch B Arch S

RONAN ROSE ROBERTS ARCHITECTS

Ronan Rose Roberts Architects | Synge St, Dublin | Morton's Lane, Wicklow t. 60-4733 | 60-44-34632 | e. info@ronanroseroberts.com | w. www.ronanroseroberts.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify us immediately. Thank you for your co-operation.

Nicola Fleming

From:

info <info@ronanroseroberts.com>

Sent:

Thursday 28 November 2024 16:55

To:

Nicola Fleming

Subject:

APPLICATION FOR CERT OF EXEMPTION EX101/2024 H03 & EX100/2024 B11,

JACKS HOLE BEACH RESORT

Attachments:

1904.B11.01 Site location, Layout & Elevations.pdf; H03.01 Site location, Layout &

Elevations.pdf

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I wish to confirm that the existing caravans are to be retained, not demolished.

I have added a schedule of works to the drawings to explain.

If you require that I send in printed copies of the drawings I can do so.

If you need anything else please let me know

Thanks for your assistance with this.

Kind regards, Ronan Rose-Roberts MRIALDIP Arch B Arch S :

RONAN
ROSE
ROBERTS
ARCHITECTS

Ronan Rose Roberts Architects | Synge St, Dublin | Morton's Lane, Wicklow t. 01-4753796 | 0404-34652 | e. <u>info@ronanroseroberts.com</u> | w. <u>www.ronanroseroberts.com</u>

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Comhairle Contae Chill Mhantáin Ulicklow County Council

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26th November 2024

Ronan Rose Roberts Architects Mortons Lane Wicklow Co. Wicklow A67 TF44

RE: Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended) – EX101 /2024 – Site H03 – Jacks Hole Beach Resort DAC

A Chara

Having regard to the provisions of Section 5(1)(b) of the Planning and Development Act 2000(as amended) the following further information is requested to fully assess the query with respect of your application under Section 5 of the Planning and Development Act 2000(as amended), received on 18th November 2024: -

- (i) From drawings it would appear that the existing mobile home is to be demolished and replaced, with only the base being retained. You are requested to set out in full the exact works and whether it involves full demolition of the existing mobile home.
- (ii) Please clarify the final colour of replacement structure.

Mise, le meas

ADMISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT





All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.

Section 5 Application EX 101/2024

Date: 21/11/2024

Applicant: Jacks Hole Beach Resort DAC

Address: Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow

Exemption Whether or not:

Modification of existing mobile home on Site H03 (3930 x 14630mm) on same site

constitutes exempted development within the meaning of the Planning and

Development Acts, 2000(as amended).

Planning History:

PL 27/5/81179 PRR 89/4826

Permission granted for extension of caravan park at Jack's Hole, Ballinacarrig, Brittas Bay.

Relevant Legislation

Planning and Development Act 2000(as amended)
Section 2

- "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
- (b) in relation to a protected structure or proposed protected structure, includes—
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of
 - any structure or structures referred to in subparagraph (i) or (iii);

"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.

Section 3:

3.—(1) In this Act, "development" means, except where the context otherwise requires, (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

Section 4:

- 4.—(1) The following shall be exempted developments for the purposes of this Act—
- (h) 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;

Assessment:

The queriest seeks confirmation that the modification of the mobile home currently on site a Jack's Hole at plot H03. The current mobile on site is 3960 x 14630 mm, with an overall height of 2370mm. The modification seeks to alter the overall height of the structure by 530mm to allow for the roof pitch to be more angled as opposed to concave, and modification of external finishes by provision of acrylic render and alteration of windows. The submission states modification, however it would appear that the base is to be retained, with the existing mobile home demolished, and replaced. Clarity is required on the exact works which are the subject of this Section 5 Declaration.



Recommendation:

Further Information:

- 1. Having regard to the provisions of Section 5(1)(b) of the Planning and Development Act 2000(as amended) the following further information is requested
 - (i) From drawings it would appear that the existing mobile home is to be demolished and replaced, with only the base being retained. You are requested to set out the exact works and whether it involves full demolition of the existing mobile home.
 - (ii) Please clarify the final colour of replacement structure.

Sel Corningham SEP.

21/11/2024

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham

Senior Executive Planner

FROM:

Nicola Fleming

Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX101/2024

I enclose herewith application for Section 5 Declaration received completed on 18/11/2024.

The due date on this declaration is 15th December 2024.

Staff Officer

Planning, Economic & Rural Development



Comhairle Contae Chill Mhantáin Wicklow County Council

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19th November 2024

Ronan Rose Roberts Architects Morton's Lane Wicklow A67 TF44

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX101/2024 for Jacks Hole Beach Resort DAC – Site $\frac{1}{12}$

A Chara

I wish to acknowledge receipt on 18/11/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 15/12/2024.

Mise, le meas

Vicola Fleming

Staff Officer

Planning, Economic & Rural Development





RONAN ROSE ROBERTS ARCHITECTS

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

18th November 2024

Re: Section 5 Declaration Application for Exempted Development, Mobile Home H03 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 modificationst of an existing mobile home. The reason for the modifications 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 2980 mm (difference 530mm).

We enclose 1 copy of each of the following:

application form,

this letter and a

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

Site Location Map survey drawing, 1:2000

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.

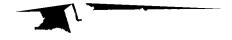
We look forward to a positive response at your earliest convenience. Yours faithfully,

Ronan Rose-Roberts, MRIAI

laun Bore Polit

CC Client

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



Wick' v County Council Cot. Buildings Wicklow 0404-20100

18/11/2024 15 27 57

Receipt No L1/0/337352

RONAN ROSE ROBERTS ARCHITECTS MORTON'S LANE WICKLOW TOWN

EXEMPTION CERTIFICATES 80 00
GOODS 80 00
VAT Exempt/Non-vatable

Total 80 00 EUR

Tendered
Cheque 80 00
JACKS HOLE

Change 0.00

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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

)	Name of applicant:Jacks Hole Beach Resort DACAddress of applicant:Jacks Hole Beach Resort, Brittas Bay, Co Wicklow
<u>ote</u>	Phone number and email to be filled in on separate page.
Ag	ents Details (Where Applicable)
Ag)	ents Details (Where Applicable) Name of Agent (where applicable) Ronan Rose Roberts Architects

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

3. Declaration Details

i.	Location of Development subject of Declaration Site H03, 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, an 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:
or	hether the modification of existing mobile home (3930 x 14630 mm) on same site is is not development and is or is not exempted development under the Planning d 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.
vi.	Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)?
vii	List of Plans, Drawings submitted with this Declaration Application Site Location map 1:2000, Site layout plan 1:200, elevations 1:100
vii	i.Fee of € 80 Attached ? <u>Yes</u>
Sig	med: Varen Pore Polith Dated: 18/11/2023

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.

