



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
Suíomh / Website. www.wicklow.ie

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

 August 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX94/2025 for 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 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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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Jacks Hole Beach Resort DAC

Location: Site R35, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow

Reference Number: EX 94/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/885

A question has arisen as to whether “changes to roof and elevation of existing mobile home on site R35” at Site R35, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is or is not exempted development.

Having regard to:

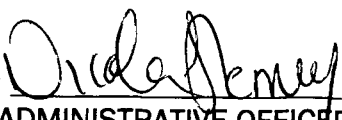
- a) Details submitted with the Section 5 Declaration application.
- b) Section 2,3 and 4 (1)(h) of the Planning and Development Act 2000(as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The changes to roof and elevations 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. These works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- iii. 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 and improvement, and the works would not materially affect the external appearance of this structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The Planning Authority considers that “changes to roof and elevation of existing mobile home on site R35” at Site R35, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow **is development and is exempted development**

Signed:


ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  August 2025



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/885

Reference Number: EX 94/2025

Name of Applicant: Jacks Hole Beach Resort DAC

Nature of Application: Section 5 Referral as to whether or not "changes to roof and elevation of existing mobile home on site R35" is or is not development and is or is not exempted development.

Location of Subject Site: Site R35, Jacks Hole Beach Resort, 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 "changes to roof and elevation of existing mobile home on site R35" at Site R35, 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) Details submitted with the Section 5 Declaration application.
- b) Section 2,3 and 4 (1)(h) of the Planning and Development Act 2000(as amended)

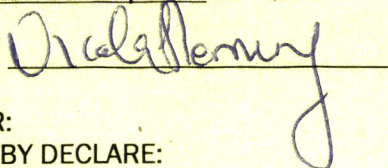
Main Reason with respect to Section 5 Declaration:

- i. The changes to roof and elevations 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. These works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- iii. 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 and improvement, and the works would not materially affect the external appearance of this structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Recommendation:

The Planning Authority considers that "changes to roof and elevation of existing mobile home on site R35" at Site R35, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed



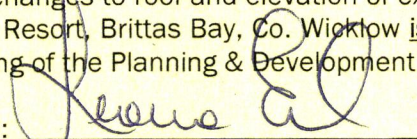
Dated 20th day of August 2025

ORDER:

I HEREBY DECLARE:

That "changes to roof and elevation of existing mobile home on site R35" at Site R35, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


Senior Engineer *Director of Services*
Planning, Economic & Rural Development

Dated 20th day of August 2025

Section 5 Application EX 94/2025

Date : 5/8/2025

Applicant : Jacks Hole Beach Resort DAC

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

Exemption Whether or not :

Changes to roof and elevation of mobile home on site R35

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, except where the context otherwise requires, "development" means—

(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

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)

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 querist seeks confirmation that roof and elevation changes to the existing mobile home currently on site a Jack's Hole at site R35 is or is not exempted development. The details identify an increase in height of mobile home from 2450mm to 2960 mm to allow for the replacement of the roof to accommodate a greater pitch to accommodate a powdercoated pressed metal sheet, tile patterned and dark green in colour. The changes include minor modifications to elevations to omit windows to side elevations, and widen window to north elevation.

The proposal to replace the roof and enlarge/ remove windows would involve acts of alteration and renewal and is therefore works having regard to Section 2 of the Planning and Development Act 2000(as amended). These works would be development given the definition set out in Section 3 of the Planning and Development Act 2000 (as amended).

The modifications identified would be exempted by reference to Section 4(1)(h) as they would be works of maintenance and improvement , and these changes would not affect the character of the structure, and the nature and scale of the modification would not render the appearance inconsistent with the character of neighbouring structures.

Recommendation :

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

Changes to roof and elevation of existing mobile home on site R35 at 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 changes to roof and elevation of existing mobile home on site R35 at Jacks Hole Beach Resort, **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- (a) Details submitted with the Section 5 Declaration application.
- (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 changes to roof and elevations 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) These works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- (iii) 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 and improvement, and the works would not materially affect the external appearance of this structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Seal Banningham SP.

5/8/2025

Grant
Leanne EL
Das 20/8/25



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Suíomh / Website: www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

FROM: Joanne Byrne
Assistant Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX94/2025**

I enclose herewith application for Section 5 Declaration received completed on 29th July 2025.

The due date on this declaration is 25th August 2025.


Assistant Staff Officer
Planning, Economic & Rural Development



Ta an dúic meá seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



W I C K L O W



Comhairle Contae Chill Mhantáin Wicklow County Council

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Suíomh / Website www.wicklow.ie

30th July 2025

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

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Act 2000 (as amended). – EX94/2025 – for Jacks Hole Beach Resort
DAC**

A Chara

I wish to acknowledge receipt on 29/07/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 25/08/2025.

Mise, le meas

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



*Ta an doicimead seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



RONAN
ROSE
ROBERTS
ARCHITECTS

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

28th July 2025

Re: Section 5 Declaration Application for Exempted Development, Mobile Home R35 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 roof and elevation changes to an existing 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 2960 mm (difference 510mm).

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

Wicklow County Council
County Buildings
Wicklow
0404 20100

29/07/2025 13:57:58

Receipt No L1/0/349145
***** REPRINT *****

RONAN ROSE ROBERTS ARCHITECTS
MORTONS LANE
WICKLOW TOWN
CO WICKLOW

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non vatable	

Total	80.00 EUR
-------	-----------

Tendered

Cheque	80.00
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MOBILE 35 JACKS HOLE

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

Issued By Ruth Graham
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

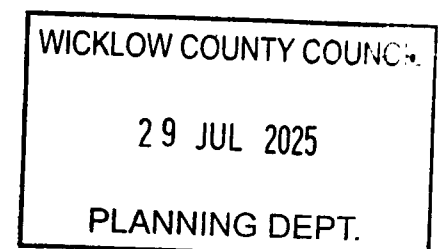
- (a) Name of applicant: Jacks Hole Beach Resort DAC
Address of applicant: Jacks Hole Beach Resort, Brittas Bay, Co Wicklow

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 R35, 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 roof of existing mobile home 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.

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

viii. Fee of € 80 Attached ? Yes

Signed :  Dated : 28 / 07 / 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 -

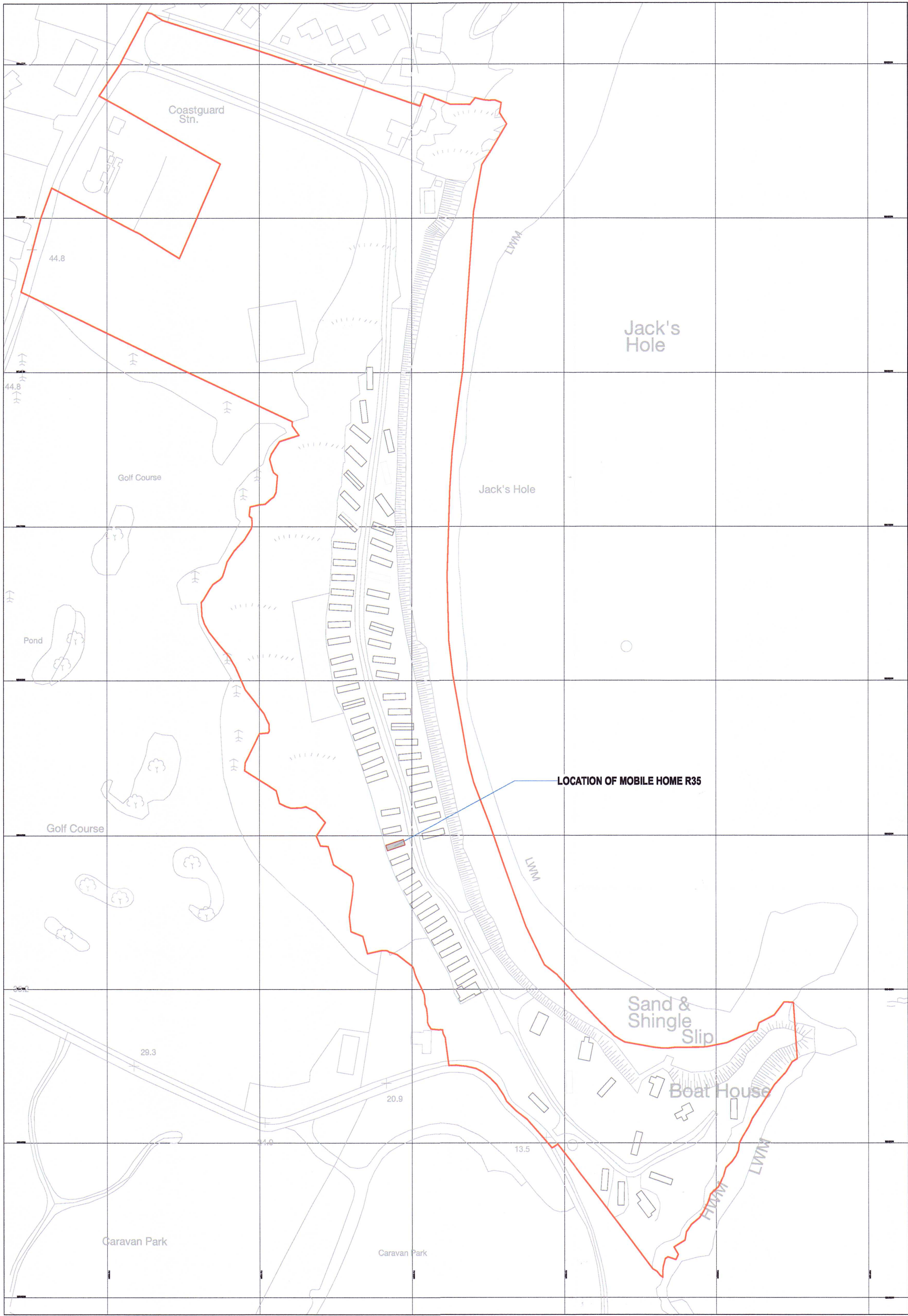
The provisions of Article 8 of the Planning and Development Regulations 2001 (as

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

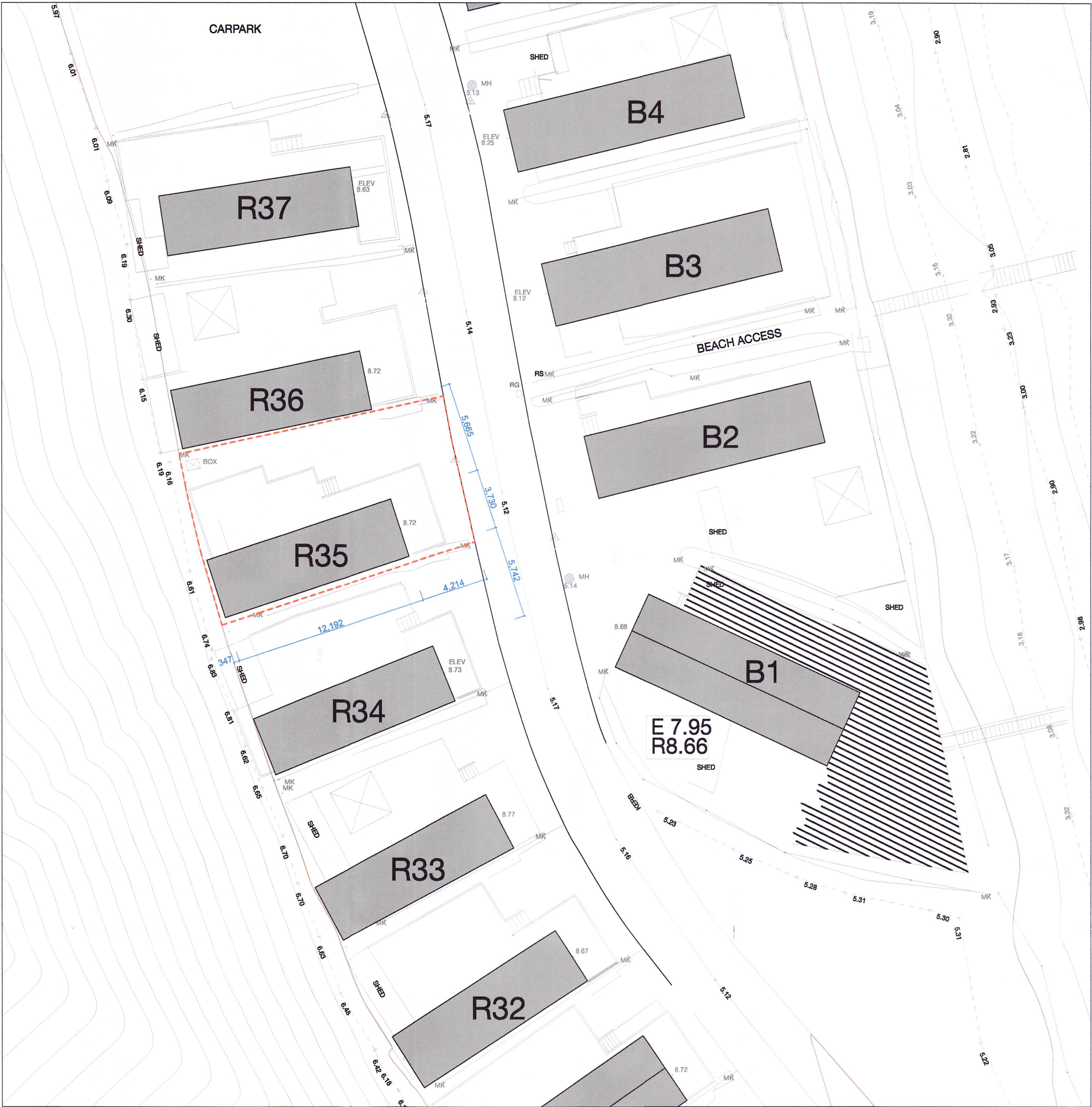
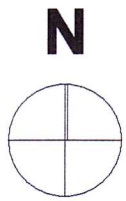
ORIGINAL/PREVIOUS EXTERNAL FINISHES:

- 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

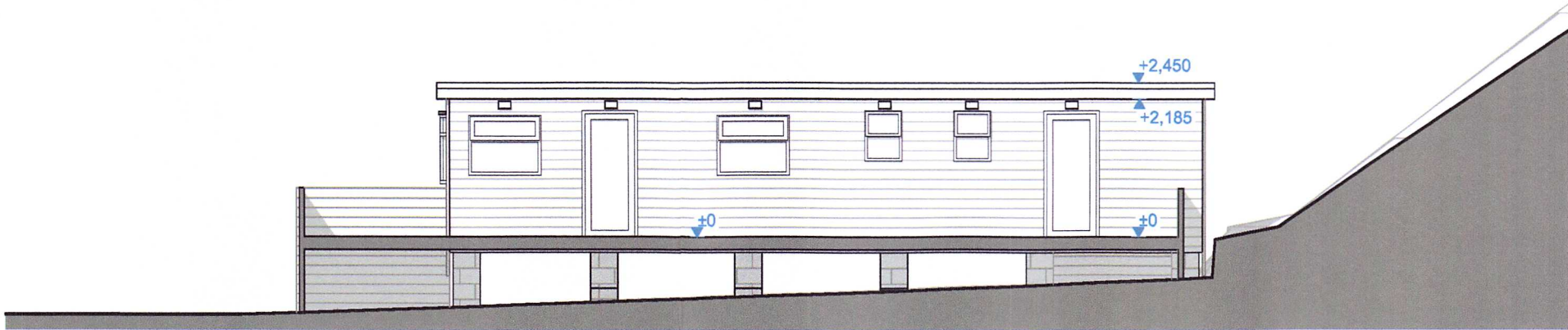
PROPOSED/CURRENT EXTERNAL FINISHES:

- PITCHED ROOF - POLYESTER POWDERCOATED PRESSED METAL SHEETS WITH TILE PATTERN, DARK GREEN COLOUR
- EXTERNAL WALLS - NO CHANGE PAINTED ALUMINIUM, OFF-WHITE, GREEN
- EXTERNAL WINDOWS / DOORS - WHITE PVC
- RAINWATER GOODS - WHITE PVC GUTTERING & RWPS
- FASCIAS & SOFFITS - WHITE PVC

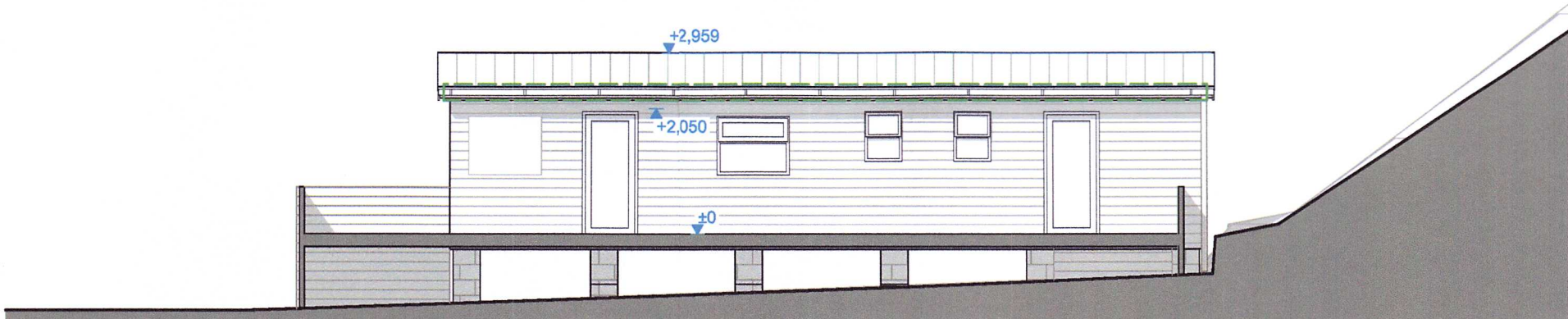
- DEMOLITIONS/REMOVALS - DASHED GREEN LINE
- EXTENT OF JACK BEACH RESORT - SOLID RED LINE
- EXTENT OF SUBJECT SITE - DASHED RED LINE



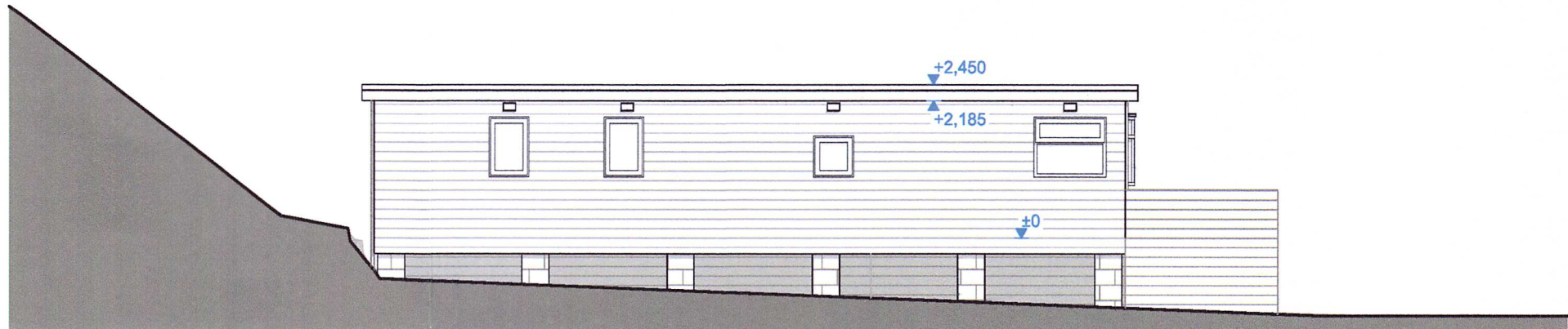
Existing Site Layout Plan 1:200



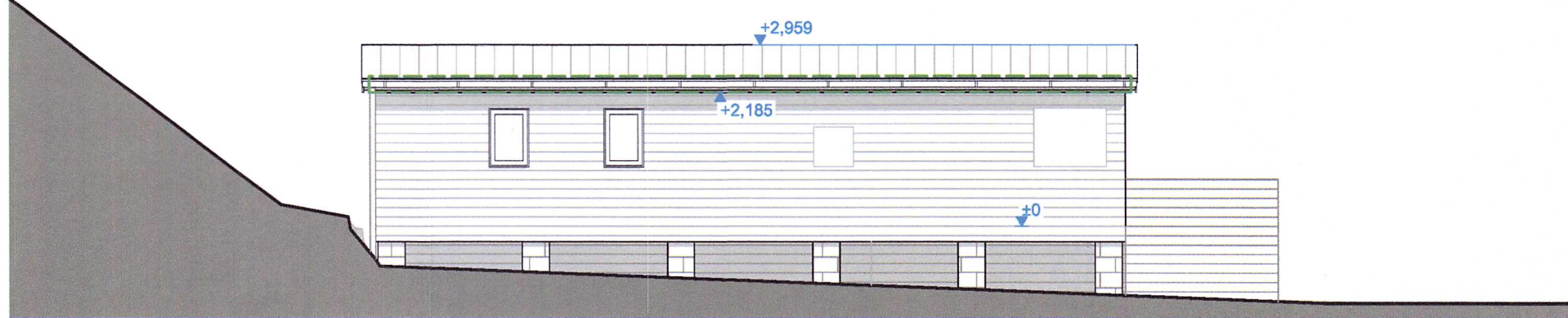
Previous Side Elevation facing East 1:100



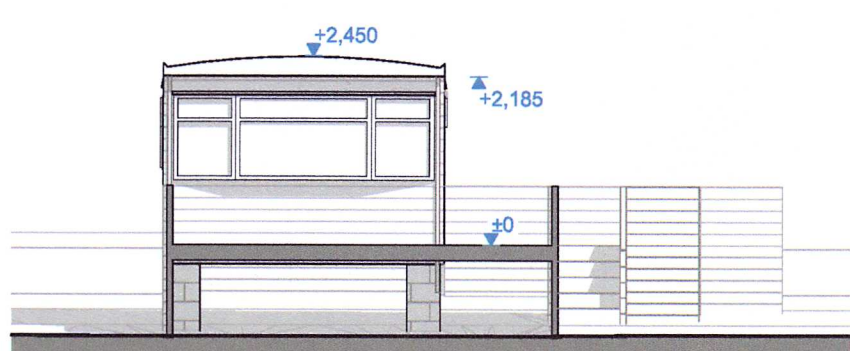
Current/Proposed Side Elevation facing East 1:100



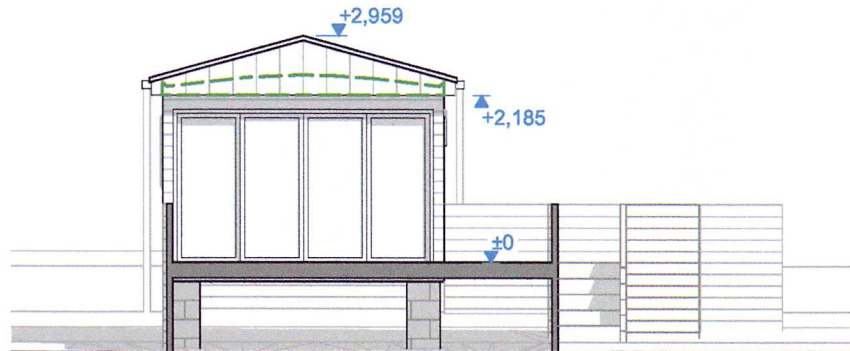
Previous Side Elevation Facing West 1:100



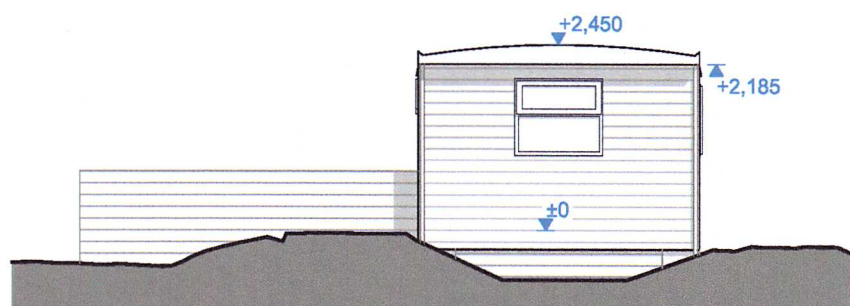
Current/Proposed Side Elevation Facing West 1:100



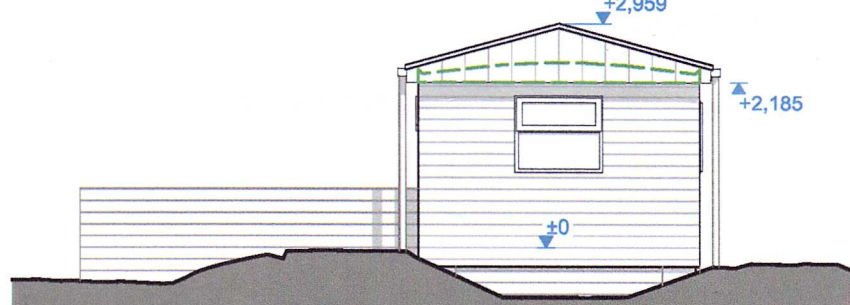
Previous Front Elevation facing North 1:100



Current/Proposed Front Elevation facing North 1:100



Previous Rear Elevation facing South 1:100



Current/Proposed Rear Elevation facing South 1:100

REV.	DATE	DESCRIPTION	AUTHOR	PROJECT: Works to to Jack's Hole Beach Resort Unit R35	CLIENT: JHBR DAC
A	2025.07.28	Issued for client's comments/approval on Section 5 Declaration Application	JJ	JOB NO: 1904	DATE: 28/07/2025
				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: R35.01
				NOTIFY ARCHITECTS OF ANY DISCREPANCIES	DO NOT SCALE FROM DRAWING
				CHECK DIMENSIONS ON-SITE	COPYRIGHT RESERVED