





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
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Suíomh / Website: www.wicklow.ie

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

Applicant: Jacks Hole Beach Resort DAC

Location: Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow

Reference Number: EX 142/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/43

A question has arisen as to whether “changes to roof, windows and elevations of existing mobile home” at Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is or is not exempted development.

Having regard to:

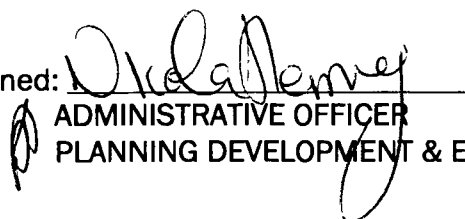
- (a) Details submitted with the Section 5 Declaration application.
- (b) Section 2,3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

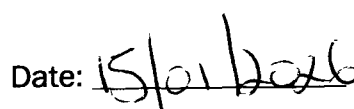
- i. The changes to roof and elevations of the existing mobile home on site would come within the definition of works as set out in Section 2 the Planning and Development Act 2000(as amended) as it involves operations of repair and renewal.
- ii. These works are development having regard to the provisions 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, windows and elevations of existing mobile home” at Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is development and is exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/43

Reference Number: EX 142/2025

Name of Applicant: Jacks Hole Beach Resort DAC

Nature of Application: Section 5 Referral as to whether "*changes to roof, windows and elevations of existing mobile home at Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow*" is or is not development and is or is not exempted development.

Location of Subject Site: Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow

Report from: Holly O'Connor, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*changes to roof, windows and elevations of existing mobile home*" at Site R25, Jacks Hole Beach Resort, 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.
- (b) Section 2,3 and 4 (1)(h) of the Planning and Development Act 2000(as amended)

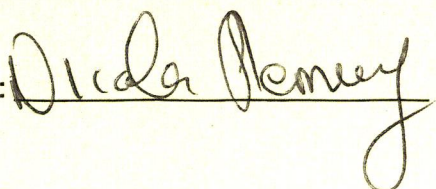
Main Reasons with respect to Section 5 Declaration:

- 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.

Recommendation

The Planning Authority considers that "*changes to roof, windows and elevations of existing mobile home*" at Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed:



Date:

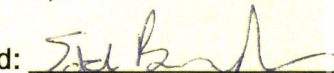
14/01/2026

ORDER:

I HEREBY DECLARE:

That "*changes to roof, windows and elevations of existing mobile home*" at Site R25, Jacks Hole Beach Resort, Brittas Bay, Co. Wicklow is **development** and is **exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



T/Senior Planner

Planning, Economic & Rural Development

Date:

15/1/2020

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT****PLANNING REPORT SECTION 5 APPLICATION**

TO: EDEL BERMINGHAM S.P/ PATRICE RYAN S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 142/2025
DECISION DATE: 16/10/2026
APPLICANT: Jacks Hole Beach Resort DAC
ADDRESS: Jacks Hole Beach Resort, Ballynacarrig, Brittas Bay, Co. Wicklow
EXEMPTION QUERY: WHETHER OR NOT:
MODICATIONS TO ROOF AND WINDOWS OF EXISTING MOBILE HOME ON SITE R25
CONSTITUTES EXEMPTED DEVELOPMENT WITHIN THE MEANING OF THE PLANNING AND DEVELOPMENT ACTS, 2000(AS AMENDED).

Site Location:

The subject site is located in the housing estate O'Connell Terrace (adjoins Abbey St.) in the urban area of Arklow, on lands zone RE-Existing Residential. The site can be accessed via the L69042-0 or the L2901-4 as it has frontage with both local roads. The subject site consists of a two storey, middle terrace town house that has a red brick finish.

Planning History:

- 92/8661: PP granted for 9 mobile homes and associated roads and services.
- 92/8660: PP granted for Revised layout for proposed 66 mobile homes including 5 No. additional mobile homes.
- 91/7330: PP granted for Sewage treatment plant and marine outfall system for proposed extension to holiday home development.
- 90/6487: PP granted for Change of use of dwelling to office, toilets, laundrette, kitchenette & community room for caravan park.
- PL 27/5/81179
- 89/4826: PP granted for Extension to caravan park together with supporting infrastructural services and a separate access road.

Land use:

Settlement: Rural/ Open Countryside

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;

Declaration details submitted:

Modifications to roof to alter from flat roof to pitch;

New windows

New external render

Assessment:

The querist seeks confirmation that roof and elevation changes including new windows and new render to the existing mobile home currently on site a Jack's Hole at site R25 is or is not exempted development. The details identify an increase in height of mobile home from 2450mm to 2980mm to allow for the replacement of the roof to accommodate a greater pitch to accommodate a powder coated pressed metal sheet, tile patterned and dark green in colour. The changes include modifications to elevations to alter windows to the front and side elevations including widened windows to the

south-east, and the removal of windows to the north-west. The proposal also involves a new acrylic render to the walls.

The proposal to replace the roof, enlarge/ remove windows and externally render 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 windows and elevations of existing mobile home on site R25 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 R25 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.

Handwritten signature: Holly ...
Handwritten signature: April ...
Handwritten date: 12/1/2026

Date: 12/01/2026



Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Holly O'Connor
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).
EX142/2025**

I enclose herewith application for Section 5 Declaration received completed on 10/12/2025.

The due date on this declaration is 16th January 2026.

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





Comhairle Contae Chill Mhantáin Wicklow County Council

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

12th December 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX142/2025 – Jacks Hole Beach Resort DAC

A Chara

I wish to acknowledge receipt on 10/12/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 16/01/2026

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

9th December 2025

Re: Section 5 Declaration Application for Exempted Development, Mobile Home R25 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 proposed alteration 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

Payment 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.

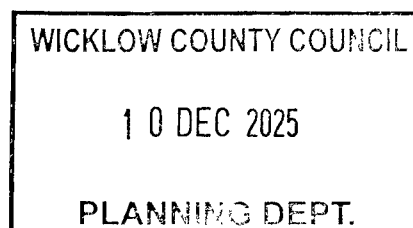
Yours faithfully,



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

10/12/2025 10 46 18

Receipt No L11/0/355994
***** REPRINT *****

RONAN ROSE ROBERTS
MORTON'S LANE
CO WICKLOW

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

Total	80 00 EUR
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Tendered	
Credit Card	80 00
J	

Change	0 00
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Co Wicklow
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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 R25, 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 and windows of existing mobile home (R25) 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 : 10 / 12 / 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.

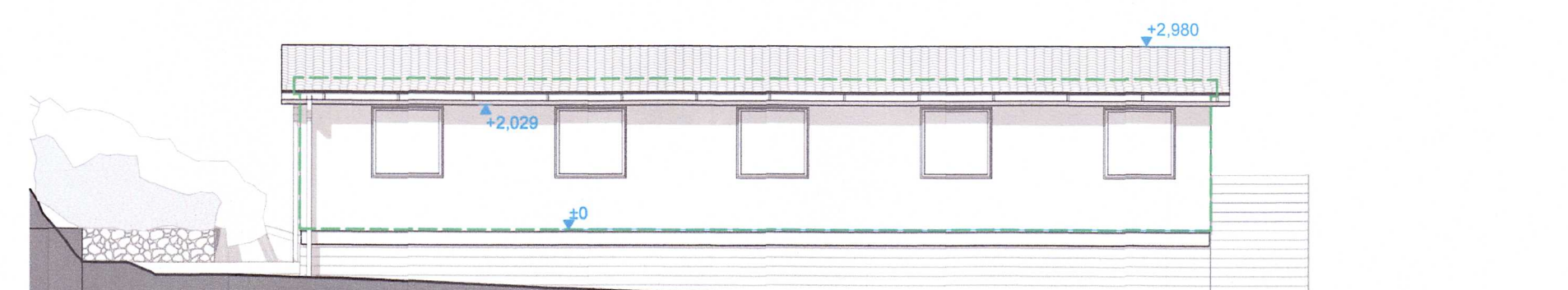
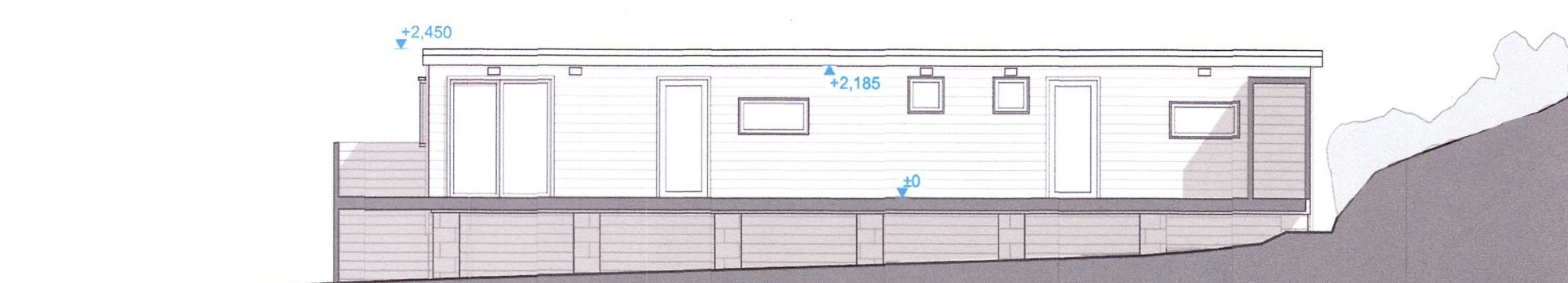
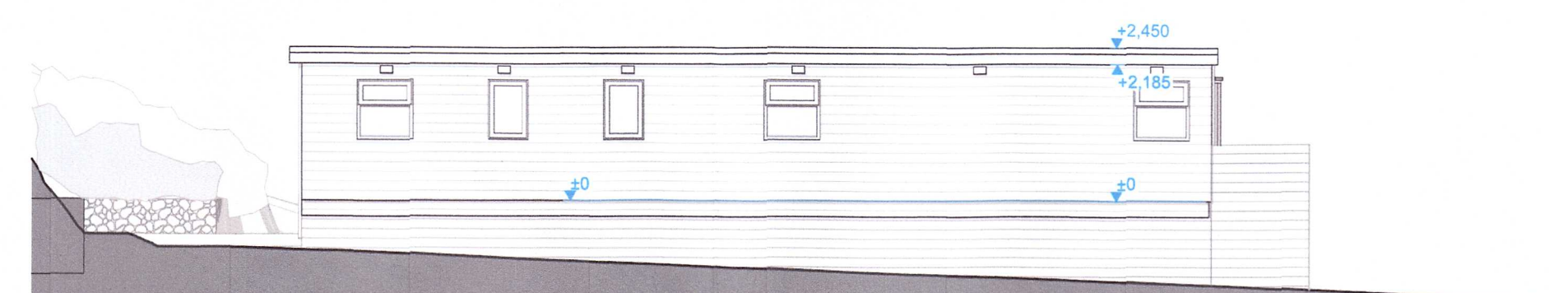
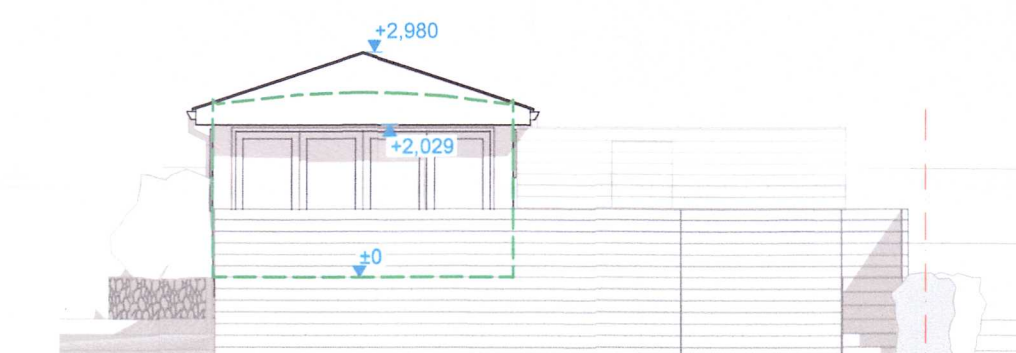
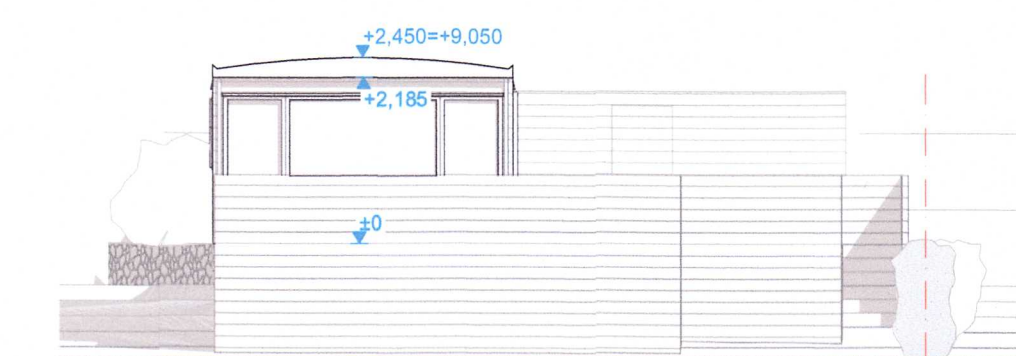
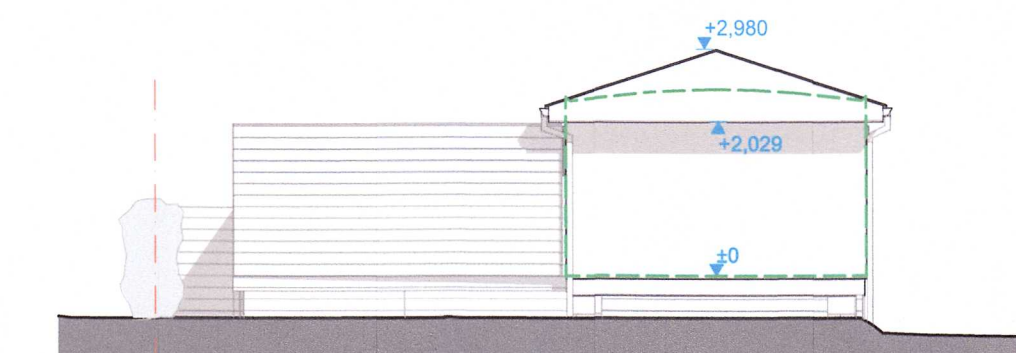
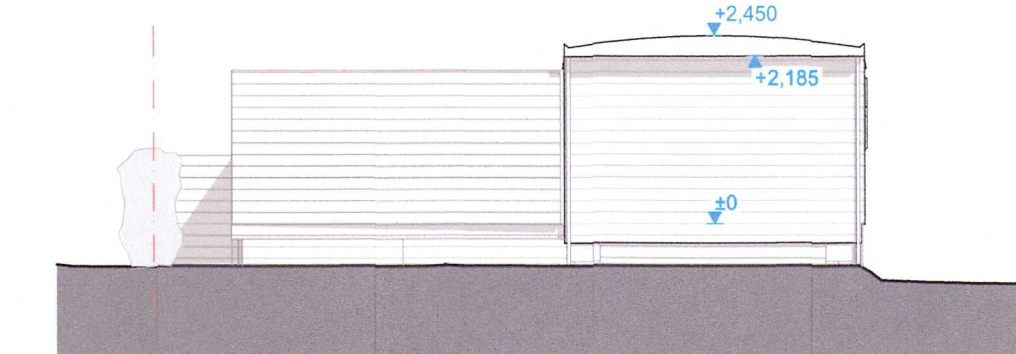
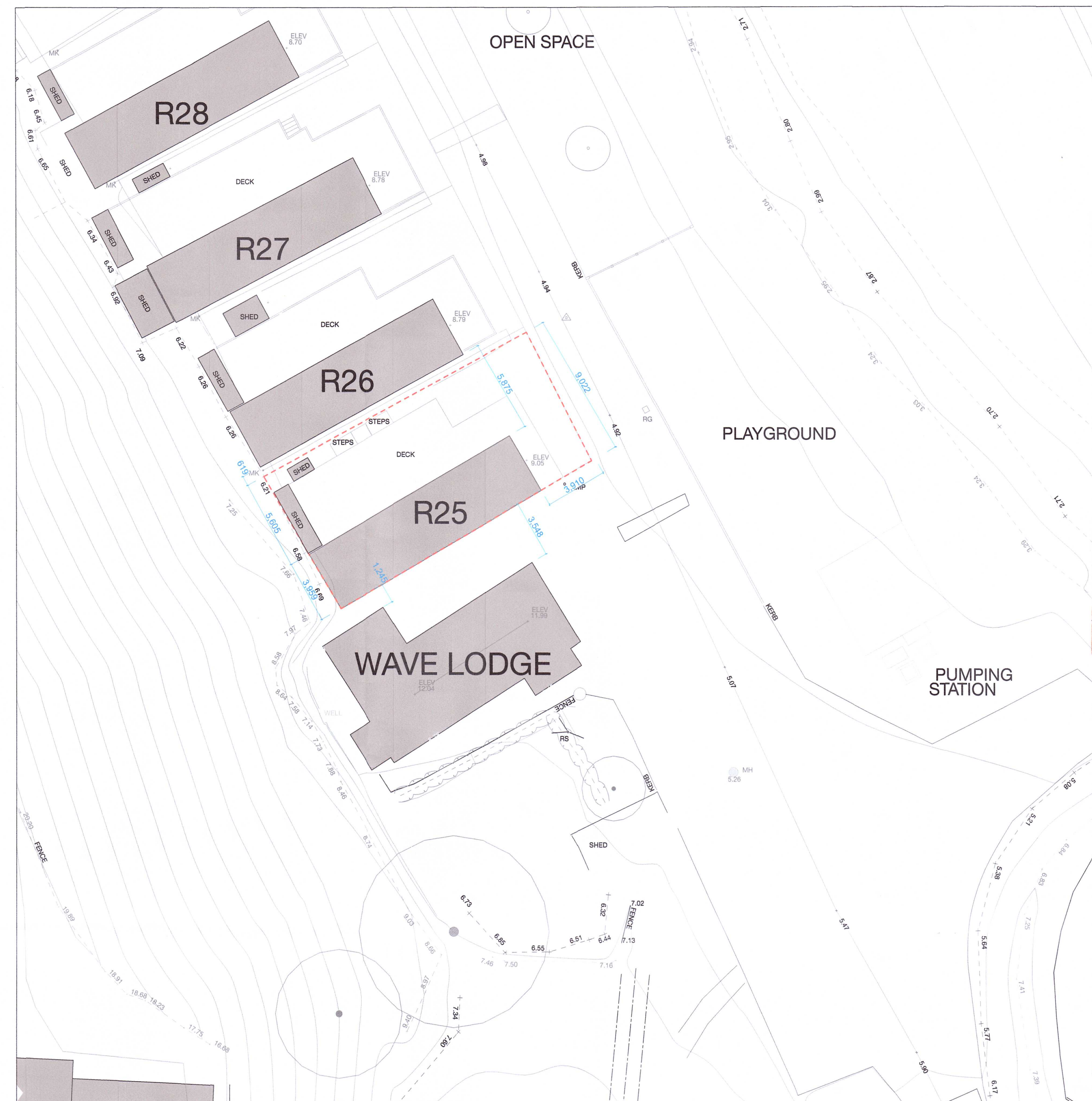
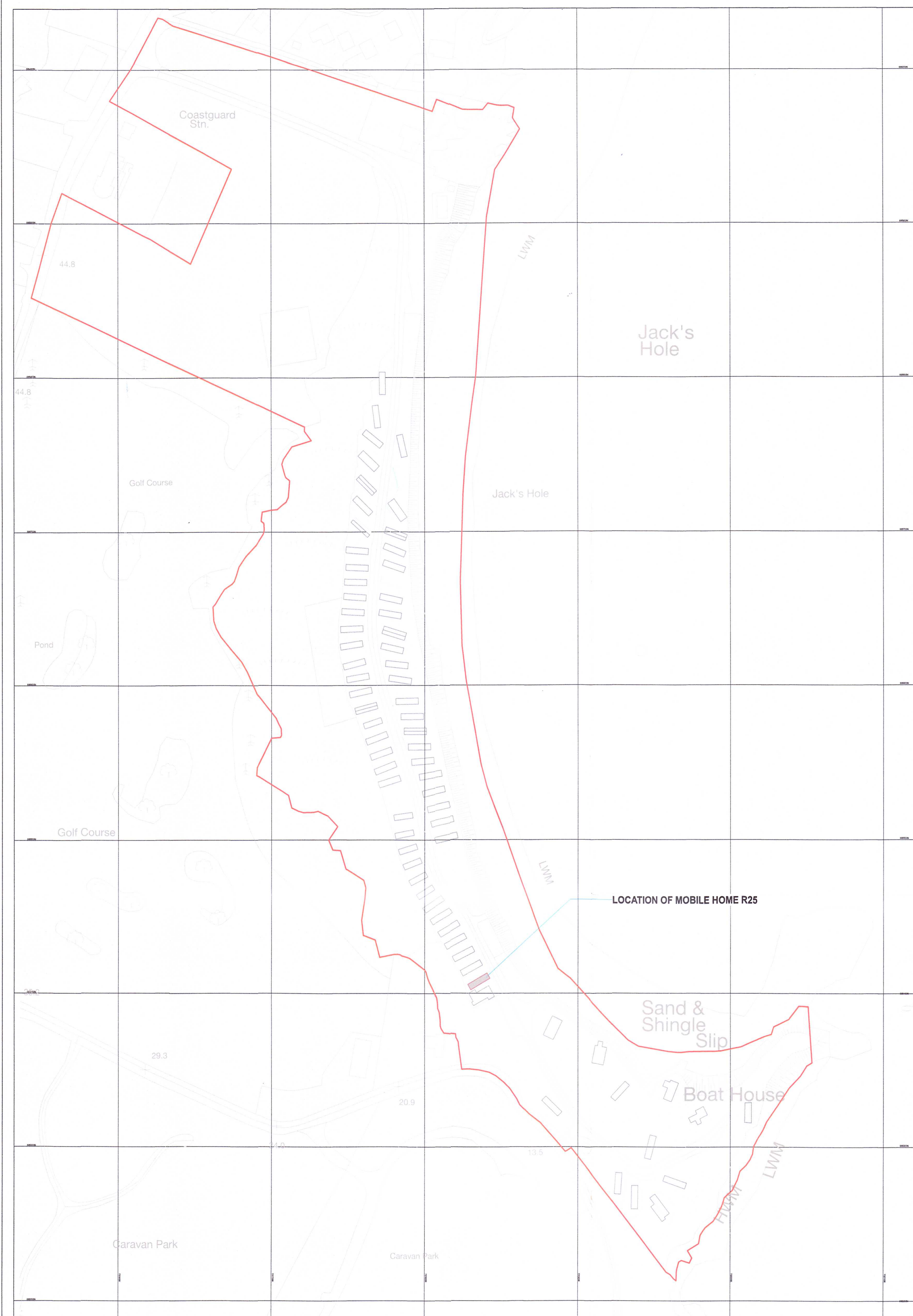
- B. Land Reclamation -

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.



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 -----



REV.	DATE	DESCRIPTION	AUTHOR			
A	2025.12.09	Issued for Section 5 Declaration Application	JJ	wicklow: mortons lane, wicklow town, A677F44 t0404-34652, dublin: sygne street, dublin b t01-4753796 e: info@ronanrosenberber.com w: www.ronanrosenberber.com		
				PROJECT: Works to Jack's Hole Beach Resort Unit R25	CLIENT: JHBR DAC	STAGE: Section 5 Declaration DRAWING NO: R25.01
				JOB NO: 1904	DATE: 09/12/2025	
				DRAWING: Site Location, Layout & Elevations		
				SCALE: As pr notes. Print @ 100% on Arch D. Do not "scale to fit".		
				NOTIFY ARCHITECTS OF ANY DISCREPANCIES DO NOT SCALE FROM DRAWING		CHECK DIMENSIONS ON-SITE COPYRIGHT RESERVED

SECT 5

RONAN
ROSE
ROBERTS
ARCHITECTS