

Appeal No: VA21/4/0063

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

**NA hAHTANNA LUACHÁLA, 2001 - 2015
VALUATION ACTS, 2001 - 2015**

CRANA ENGINEERING LIMITED

APPELLANT

AND

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 2004405, Factory, Ballymagan, Buncrana, County Donegal (“the Property”).

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 2ND DAY OF APRIL 2025**

BEFORE

Killian O’ Higgins FSCSI, FRICS

TRIBUNAL MEMBER

1. THE APPEAL

1.1 By Notice of Appeal received on the 13th day of December, 2021 the Appellant appealed against the determination of the Respondent pursuant to which the rateable value of the above relevant Property was fixed in the sum of €145.

1.2 The valuation of the Property falls to be determined from a decision made by the revision manager under section 28(4) of the Valuation Act 2001 as amended (‘the Act’) that a material change of circumstance occurred since a valuation under section 19 of

the Act was last carried out in relation to the rating authority area in which the Property is situated. Accordingly, the value of the Property must be ascertained by reference to values, as appearing on the existing valuation list for the rating authority area wherein the Property is situated, of other properties comparable to the Property.

1.3 The sole ground of appeal as set out in the Notice of Appeal is that the valuation of the Property is incorrect as it does not accord with that required to be achieved by section 49 of the Act because:

“The valuation is excessive for this property. The property is over 40 years old in a rural location and was built to agricultural standard the office extension from some years ago has Mica the entire site premises cannot be compared to more modern industrial premises in the area. There is no onsite parking or loading/ unloading facilities”

1.4 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €85.

2. VALUATION HISTORY

2.1 It was uncontested that an application was made to the Respondent for the appointment of a revision manager to exercise powers under section 28(4) of the Act in relation to the Property on the basis that by reason a material change of circumstances had occurred since a valuation under section 19 was last carried out in relation to the rating authority area of Donegal County Council in relation to the Property, the valuation of the Property ought to be amended.

2.2 On the 20th day of September 2021 a copy of the proposed valuation certificate issued under section 28(6) of the Act in relation to the Property was sent to the Appellant indicating a valuation of €145.

2.3 Being dissatisfied with the valuation proposed, representations were made to the valuation manager in relation to the valuation. Following consideration of those representations, the valuation manager did not consider it appropriate to provide for a lower valuation.

2.4 A final valuation certificate issued on the 17th day of November 2021 stating a valuation of €145.

3. DOCUMENT BASED APPEAL

3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, on the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.

3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal.

4. FACTS

4.1 The following facts provided by the Respondent were uncontested, apart from a claim by on behalf of the Appellant that the buildings were agricultural in nature:

4.1.1 Buncrana is located on the western side of the Inishowen Peninsula in Co Donegal, overlooking Lough Swilly. The town is the second largest town in Donegal, after Letterkenny and 43km from Letterkenny and 23km from Derry in Northern Ireland.

4.1.2 The Property is 2km northeast of Buncrana town centre, on Elm Park Road, on the outer edge of Buncrana, in a residential area, bordering rural townland and is situated beside the entrance to Elm Park housing estate, located beside and behind the Property.

4.1.3 The Property is a fully fitted industrial unit occupied by an engineering business and consists of assorted workshops, ancillary accommodation, and large yard space. Boundaries are fenced and abut the main road at the front. The main workshop comprises a steel portal frame with concrete block infill walls and concrete floors. The unit is lit by

halogen light cassettes, is served by a three-phase power supply and contains a gantry crane. Part of the workshop has insulated metal deck sheeting to the roof, while the remainder is covered extensively by an asbestos roof.

4.1.4 The additional units on site include a smaller, older industrial shed with wide sliding door, galvanised metal walls and roof. Another adjacent shed is an old run down, open side shed for storage at the back of the site and finally two other very small sheds are erected in the yard.

4.1.5 The office suite is situated on the left side of the front unit, facing the road and has a basic fit out with PVC double glazed windows and doors, suspended ceilings with recessed lights. The walls and ceilings are plastered, the floors are tiled.

4.2 The uncontested floor areas submitted by the Respondent were:

LEVEL	USE	AREA (m2)
0	OFFICES	66.91
	STEEL	
0	CONTAINER	12.88
0	STORE	157.92
0	STORE	6.97
0	WORKSHOP	502.92
0	WORKSHOP	935.54
0	YARD	312.00
0	YARD	1420.00

5. ISSUES

5.1 The only issues in dispute are the Net Annual Value (NAV) and Rateable Valuation (RV)

6. RELEVANT STATUTORY PROVISIONS:

6.1 All references to a particular section of the Valuation Act 2001 ('the Act') refer to that

section as amended, extended, modified, or re-enacted by the Valuation (Amendment) Act, 2015.

6.2 Under Section 27(2):

“A rating authority may apply in writing to the Commissioner for the appointment by the Commissioner of a person under section 28(3) to exercise the powers under that section in relation to one or more properties situate in the area of that authority and specified in the application.”

6.3 Section 3(1) of the Act, so far as material to this appeal, defines “*material change of circumstances*” as meaning a change of circumstances that consists of:

“the coming into being of a newly erected or newly constructed relevant property.....”

under Section 3(1)a; and/or “*the making of structural alterations to that relevant property*” under Section 3(1)(b)i.

6.3 If a revision manager is satisfied that a material change of circumstances as defined by section 3 of the Act has occurred since a valuation under section 19 of the Act was last carried out in the rating authority area in which the Property is situated, the revision manager has power under section 28(4)(a)i of the Act to

“amend the valuation of that property as it appears in the list”

and under Section 28(4)(a)iii “*amend any other material particular in relation to that property as it appears on the list*”

6.4 Where a property falls to be valued for the purpose of section 28(4) of the Act that value is ascertained in accordance with the provisions of Section 49 (1) of the Act which provides:

“ If the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of section 28(4), (or of an appeal from a decision under that section) that determination shall

be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property.”

Section 49 (2) of the Act provides:

“ For purposes of subsection (1), if there are no properties comparable to the first-mentioned property situated in the same rating authority area as it is situated in then-

(a) In case a valuation list is in force in relation to that area, the determination referred to in subsection (1) in respect of the first-mentioned property shall be made by the means specified in section 48(1), but the amount estimated by those means to be the property's net annual value shall, in so far as is reasonably practicable, be adjusted so that amount determined to be the property's value is the amount that would have been determined to be its value if the determination had been made by reference to the date specified in the relevant valuation order for the purposes of section 20.

6.5 Evidence advanced by the Respondent was accordance with the provisions of Section 49 (1) of the Act -all comparable evidence offered by the Respondent was in the administrative area of Donegal County Council.

7. APPELLANT’S CASE

7.1 On behalf of the Appellant, J.G. Carlin & Co. Limited “Chartered Certified Accountants , Statutory Auditors & Tax Advisors” provided a short submission by way of letter dated 15th Day of January 2024.

7.2 J.G. Carlin & Co. Limited contended as follows:

7.2.1 The proposed valuation is an increase of 285% on the current value, there are no grounds for this excessive uplift. This property is over 40 years old and needs

complete refurbishment. Any developments on the site have been of an ad hoc nature leaving the entire site almost unmanageable. At this stage it is no way comparable to other property valuations used in arriving at the figure of €145.00.

- 7.2.2 There is no on-site parking only along the road. There are no proper loading/unloading facilities with deliveries being unloaded at the roadside.
- 7.2.3 The buildings are built to an agricultural standard with no roof or wall insulation. The older building 5,000 sq. ft. has also got an asbestos roof. The yard is only enclosed on three sides and there is no street lighting.
- 7.2.4 Part of the building has Mica and needs to be knocked down and re-built.
- 7.2.5 The comparative figures used by the officer bear no relation in nature to this business e.g. Comparison 5012529 - this is some sort of racetrack.
Comparison 5012387 - appears to be a warehouse.
Comparison 2135128 - appears to be a warehouse in Inver, 80 Kilometres away.
- 7.2.6 The Revaluation Certificate for this property issued in 2023 was €27,700.00. While this is in itself excessive and greater than the comparisons used, we would accept that the 2023 figure be applied to the 2021 valuation, hence 2021 would come “..from €145 to €89”.
- 7.2.7 A copy of the 2023 valuation was attached to the submission.

8. RESPONDENT’S CASE

8.1 The (then) Commissioner’s Representative, Mr. Andrew Cremin supplied a Précis of Evidence dated the 2nd Day of February 2024. Mr. Cremin evidence is outlined below.

8.2 The accommodation was detailed as follows:

LEVEL	USE	AREA (m2)
0	OFFICES	66.91
0	STEEL CONTAINER	12.88
0	STORE	157.92
0	STORE	6.97
0	WORKSHOP	502.92
0	WORKSHOP	935.54
0	YARD	312.00
0	YARD	1420.00

Mr Cremin provided a detailed block plan and photographic evidence of the external and internal appearance of the property.

8.3 Mr Cremin stated that he understood the property to be freehold.

8.4 Mr. Cremin outlined the Summary Grounds of appeal which he stated were identical to those raised in J.G. Carlin & Co. Limited's submission.

8.5 Mr. Cremin provided details of the history of the Appellant's Opinion of Value:

Representations Stage	RV €75
On Notice of Appeal	RV €85
In Appellant's Submissions	RV €89

8.6 Mr Cremin stated that the Appellant had not submitted any comparison evidence in support of its case, or opinion of value and J.G. Carlin & Co. Limited's letter, only referenced comparable properties in relation to the comparison properties referenced in the valuation report being appealed. Mr. Cremin contended that no evidence had been submitted by the Appellant to support its contention that the valuation was excessive. Merely stating that the valuation is excessive does not comply with the requirements of the Valuation Act 2001, as amended.

8.7 Nevertheless, Mr Cremin provided a detailed response to the Appellant's grounds of appeal as follows:

8.7.1 Appellant's contention: The proposed NAV is excessive and has increased by 285%.

Mr. Cremin stated that pre-revision, the RV was €51.30. This was based on an industrial unit of 542.08 sqm. as outlined in the table below. This was a small business at that time of first valuation, with no yard to value.

Level	Use	Area (m2)	NAV (m2)	Total NAV
0	OFFICES	56.08	€0.00	€0.00
0	WORKSHOP	486	€20.90	€10,157.90
			Total NAV	€10,157.90
		Reduced on Appeal		€51.30
			RV Say	€51.30

The total floor area identified in the revision inspection was 1,683 sqm. This represented a 246% increase in floor area from the original valuation survey. Furthermore, Mr Cremin stated that the yards have been added to the valuation as they are also used for storage of manufactured and/or raw materials. Mr Cremin contended that these facts correspond with the increase in the valuation.

8.7.2 Appellant's contention: The property is over 40 years old and in need of refurbishment.

Mr Cremin stated that the age and condition and other attributes had been recognised in the valuation levels applied. Commentary on comparisons used in reference elaborate on the valuation levels used. The original valuation was appealed in 1977 and the RV reduced from £45 to £40 (€51.30).

8.7.3 Appellant's contention: Developments on site are ad hoc in nature with no onsite parking, only along the road. No proper loading, unloading facilities with deliveries being unloaded at the roadside. The site is unmanageable.

8.7.4 Mr. Cremin responded that while buildings may be ad hoc in nature, they have been positioned carefully around the yard and do not profoundly interfere or complicate circulation, access, storage, or loading. He disagreed with the assertion that the site was unmanageable as, in his opinion, photographs clearly show integrated activities between the units. Therefore, there is more than sufficient space to enable movement of materials and loading or unloading.

8.7.5 Mr Cremin was prepared to acknowledge that the site is landlocked in the sense that it is surrounded on three sides by residential homes. With regard to parking, Mr Cremin contended that it was clear from photographs and Google Street View that the front space in front of the unit is used for parking and loading. Staff parking was limited as the only alternative is inside the yard which is clearly not permitted for safety reasons and circulation needs.

8.7.6 Appellant's contention: Buildings are built to an agricultural standard with no roof or wall insulation. The older building has an asbestos roof. The yard is enclosed only on three sides and there is no street lighting

8.7.7 Mr Cremin responded that there are four industrial buildings on this property and only one of them could be considered to have been constructed to an agricultural standard. That unit would be the open sided shed block 5, at the back yard, which is valued at a substantially lower value per sqm than the other buildings. Mr. Cremin referred to his valuation grid at section 7.3 "Opinion of Value" and section 8 of his Précis.

8.7.8 Mr Cremin could not agree that these buildings were built to an agricultural standard stating that the property was a fully functioning steel, metals fabrication facility and the occupier had constructed industrial units to facilitate such heavy works, including

concrete floors of sufficient density to support the heavy materials and weights involved in fabrication. Furthermore, the steel portal framework is of sufficient strength to support a gantry crane and movement of heavy tonnage within the unit, block 3, main workshop. The large units onsite are clearly not agricultural buildings in design. No evidence from planning or architect's plans had been provided to assert the agricultural standard claim.

8.7.9 Mr Cremin stated that it would be rare for any workshop involved in steel fabrication works to waste money on insulated double skin walls and roof as the operations do not require heat retention and the movement of materials and people result in all doors remaining open all day long.

8.7.10 According to Mr. Cremin, the absence of street lighting is a local authority matter, and a check of mapping demonstrated that this property was on the outskirts of Buncrana where speed limits change to 80kms per hour and this is outside the suburban limits of any local authority services, usually, in terms of foot paths and street lighting, despite the presence of a high level of housing development in the immediate area. The speed limit sign is on the roadside directly opposite the subject property.

8.7.11 The Appellant's contention: disputes the 'tone of list' used due to comparisons not being comparable : 5012529 - "Some sort of racetrack" 5012387 – "Appears to be a warehouse" 2135128 – "Appears to be a warehouse in Inver, 80 kms away".

Mr. Cremin stated that the appellant had not provided any investigation of these properties to show why they are deemed unsatisfactory and not comparable. Commentary on each comparison property used to form an opinion of value is dealt with in section 7.1 "Comparisons" in Mr. Cremin's Précis of Evidence.

8.7.12 Appellant's contention: Comparison with the 2023 Revaluation of the subject and the new NAV value placed on the property. The Appellant further contends that the new nav/rent value should recalculate the rateable valuation (RV) of the revision process.

Mr Cremin stated that the revised valuation of the subject property is a revision, not a revaluation of the subject and therefore the appellant's proposal does not comply with the Valuation Act 2001 and subsequent revisions. The values arising from the revision are those established in the then valuation list which has been unchanged since November 1988.

8.7.13 Appellant's contention: RV of €89

8.7.14 Mr Cremin maintained that the appellant has provided an opinion of value but failed to provide any reasoning for arriving at this opinion. Furthermore, no calculations were provided to clarify any methodology applied and Mr. Cremin stated that this was unhelpful to assist any response for the Tribunal's consideration. Mr. Cremin stated that he had submitted an expanded and better range of comparable evidence listed in order of preference, and ranking, which would underpin the valuation of the subject property.

8.7.15 Mr. Cremin stated that he was providing evidence of equity and uniformity.

Properties which are '*similarly circumstanced*' are considered comparable meaning that they share characteristics such as use, size, location, and/or construction.

Mr. Cremin stated that his comparative evidence demonstrated that correctness and equity and uniformity of value have been achieved in this case.

8.8 Summary of Comparisons supplied by Mr. Cremin, for the Respondent

Type	Property No	Occupier	Address	NAV/ € (sqm)	RV (€)
Subject Property	2004405	Crana Engineering Ltd	Elmpark Road, Buncrana, Co Donegal.	W Shp €18/16.51/Office €22 Store €8.25 Container €15 Yard €1	€145
Comparison 2	2006119	McMenamin Engineering Ltd	Killygordan, Co Donegal	W Shp: €18/€15 Store €10 Office €22 Yard €1	€97
Comparison 3	2212555	P Mc Loughlin	Buncrana, Co Donegal	Office €22 WH €18 Yard €1	€90
Comparison 4	5012387	Coyle Plant Hire Ltd	Buncrana, Co Donegal	Office €22 WH €18 Yard €1 Yard €0.75	€93
Comparison 5	5012529	Halfway GoKarting Ltd	CrislaKeel, Burnfoot, Co Donegal	Office €20.50 WH €18 Yard €1 Container €18	€38
Comparison 6	2135128	Kennedy Supplies Ltd	Inver, Co Donegal	WkShp €16.51 Open Store €8.25	€38.09
Comparison 7	5014032	Jeremy Ayton t/a Ayton Coaches	Lifford, Co Donegal.	Office €20.50 WKShp €20.50 Yard €1.27 Container €15	€15

8.9 Mr Cremin stated that there was an onus on the appellant to provide evidence, by reference to values appearing on the valuation list, that the valuation should be amended and referenced the following cases in support of his contention:

VA 00/2/032 Proudlane Ltd t/a Plaza Hotel,

VA 07/3/054 William Savage Construction

VA 09/1/018 O'Sullivan's Marine Ltd.

8.10 Mr. Cremin provided his opinion of value and analysis of the Property as outlined in the table below. The floor areas were not contested by the Appellant.

LEVEL	USE	AREA (m2)	NAV€(m2)	TOTAL NAV€(m2)
0	OFFICES	66.91	€22.00	€1,472.02
0	STEEL CONTAINER	12.88	€15.00	€193.20
0	STORE	157.92	€8.25	€1,302.84
0	STORE	6.97	€15.00	€104.55
0	WORKSHOP	935.54	€15.00	€14,033.10
0	WORKSHOP	502.92	€16.51	€8,303.21
0	YARD	1180	€1	€1,180.00
			Total NAV	€26,588.92
				€132.94
			RV Say	€ 133.00

8.11 In summing up Mr. Cremin stated that the property was listed for revision by the local authority and the process under Section 49 of the Valuation Act applied. Although the Appellant's case was brief and with little detail, Mr. Cremin did not entirely dismiss the Appellant's concerns and it became apparent to him that there were some inconsistencies in the valuation approach and he made amendments, favouring the Appellant based on the fact that the property is landlocked for further expansion, which limits future potential. In addition, loading was compromised, there was minimal staff car parking and part of the public road appeared to have been included in the valuation was removed by Mr. Cremin. He made a further allowance by excluding 50% of the side yard to allow for turning, circulation and loading requirements.

8.12 With regard to the units with asbestos roof, blocks 2a and 2, the value applied of €18 psm, according to Mr. Cremin, was reflective of a more modern workshop as per the cited comparisons. However, he stated that a rate of €15 psm was a fair reflection of this diminishment and was supported in other comparisons for similar poor units. One such example examined on appeal in 2023 was another roadside engineering workshop where the workshop had a preexisting level of

€15 psm, which still holds post appeal settlement. Mr. Cremin considered this a very similar workshop, site, and location context. Although the extension has a more modern roof, Mr. Cremin considered it compromised by the adjoining asbestos roof and a similar rate per M² was maintained.

Although Mr. Cremin contended that the Appellant's case was not proven as required under the Act, and that its opinion of value should be disregarded, Mr. Cremin's proposed adjustments to reduce the RV to €133.

9. FINDINGS AND CONCLUSIONS

9.1 On this appeal the Tribunal has to determine whether the value of the Property accords with that which is required to be achieved by section 49 of the Act, namely a value that is relative to the value of other properties on the valuation list of Donegal County Council rating authority area.

9.2 In relation to the Appellant's submission rule 36 of the Valuation Tribunal (Appeals) Rules 2019 states that the Appellant's précis must include the following documents:

- (a) where appropriate, a copy of the relevant valuation certificate or notification of the valuation manager or revision manager;*
- (b) a copy of any written record of the decision appealed;*
- (c) a copy of the notice of appeal to the Tribunal;*
- (d) maps and photographs of the property the subject of the appeal and of all comparator properties relied upon. Photographs must be dated and titled. Maps must be to scale, with north-point, road names, the property the subject of the appeal and the comparator properties clearly marked;*
- (e) where appropriate, all relevant market evidence relating to the property the subject of the appeal and a copy of any lease affecting that property;*
- (f) a copy of any other document verifying facts or particulars relied upon by the appellant.*

The letter submission by J.G. Carlin & Co. Limited was entirely deficient in respect of (d), (e) and (f). In addition, the submission was entirely deficient in relation to Rule 39 (details of location, description, size, general condition, title, comparator properties, opinion of witness supported by

comparator evidence and personally signed) and Rule 41 (identification of expert witness and declaration). No evidence of any expertise in valuation was advanced and given the wholesale deficiencies identified, the submission on behalf of the Appellant was of no evidential value to the Tribunal.

9.3 The Ground of Appeal raised by the Appellant was *“The valuation is excessive for this property. The property is over 40 years old in a rural location and was built to agricultural standard the office extension from some years ago has Mica the entire site premises cannot be compared to more modern industrial premises in the area. There is no onsite parking or loading/unloading facilities.”*

9.4 No evidence was offered by or on behalf of the Appellant to indicate that the valuation was excessive. No evidence was offered to affirm an agricultural standard of the buildings or the presence of Mica. No evidence was offered to support the contention that the premises cannot be compared to more modern industrial premises in the area. Notwithstanding that the point was addressed by the Respondent, no evidence was advanced on behalf of the Appellant to support the contention that there was no onsite parking or loading/unloading facilities.

9.5 The only evidence of Net Annual Values (NAV's) or 'Tone of the List' before the Tribunal on which it can rely, is that provided by the Respondent – none of which was contested by the Appellant. The lower level of valuation at the time of the Revision application by Donegal County Council, is reflected in a much smaller unit of 542 Sq. M on the list pre-revision. The Tribunal accepts the Respondent's contention that a comparison between the pre-revision valuation and the proposed revision valuation is not relevant given the disparity in the size of the accommodation on the list pre-revision, and the uncontested size of the property at revision. Section 3(1) of the Act, so far as material to this appeal, defines *“material change of circumstances”* as meaning a change of circumstances that consists of:

“the coming into being of a newly erected or newly constructed relevant property.”

The Tribunal accepts that there has been a material change of circumstances.

9.6 Based on the comparative evidence, particularly Nos. 2, 3 and 4 supplied by Mr. Cremin for the Respondent, the Tribunal accepts the Respondent's evidence that the property has been appropriately compared to other comparable properties on the Donegal County Council list.

9.7 Based on the description and photographic evidence supplied by Mr. Cremin, the Tribunal accepts his evidence that the buildings are not 'ad hoc in nature' and notes that Mr. Cremin reassessed the Respondent's valuation to reflect parking and loading concerns.

9.8 Mr. Cremin acknowledged that (only) one of four buildings on site could be considered to have been constructed to an agricultural standard. Mr. Cremin valued this building (store) at a significantly lower level compared to the workshop buildings. The Tribunal accepts Mr. Cremin's evidence.

9.9 In reviewing the Respondent's comparable information the Tribunal has analysed the information as follows:

Tribunal Analysis														
	Subject Property		Comp 2 Killygordan		Comp 3 Buncrana		Comp 4 Buncrana		Comp 5 Crislakeel		Comp 6 Inver		Comp 7 Lifford	
	Sq.M	NAV psm	Sq.M	NAV psm	Sq.M	NAV psm	Sq.M	NAV psm	Sq.M	NAV psm	Sq.M	NAV psm	Sq.M	NAV psm
Offices	66.91	€22.00	150.00	€22.00	30.94	€22.00	170.11	€22.00	121.58	€20.50				
Workshops	935.54	€15.00	180.64	€15.00							267.00	€16.51	70.22	€20.50
Workshops	502.92	€16.51	625.42	€18.00										
Warehouse					845.14	€18.00	745.00	€18.00	119.90	€18.00				
Store	157.92		143.91	€10.00						€9.00	317.00	€8.25		
Store	6.97													
Total	<u>1670.26</u>		<u>1099.97</u>		<u>876.08</u>		<u>915.11</u>		<u>241.48</u>		<u>584.00</u>		<u>70.22</u>	
Yard	1,180.00	€1.00	675.00	€1.00	2142.00	€1.00	890.00	€1.00	2,280.00	€1.00			192.50	€1.27
Yard							765.00	€0.75					820.78	€1.27
Container	12.88	€15.00							20.70	€18.00			14.40	€15.00
Other													7.68	€15.00
RV/		€133.00		€97.00		€90.00		€93.00		€38.00		€36.09		€15.00

9.10 Considering each comparison, in reverse order:

9.10.1 Comparison 7 is 4% of the size of the Property – a very small workshop and yard located in a rural area. Other than confirming €15psm for the container, it is of no other evidential value to the Tribunal.

9.10.2 Comparison 6 is the property most distant from Buncrana and in a rural area. It is approx. 35% the size of the Property. It provides evidence of a workshop value of €16.51

psm in a rural area. This evidence relative to workshop value psm is of some assistance to the Tribunal.

9.10.3 Comparison 5 is 14% of the size of the Property – a small warehouse which appears to be in use as a karting facility. The warehouse is small and valued at €18 psm with offices valued at €20.50psm. The yard value at €1.00psm indicates a consistency for yard values otherwise the size of the unit renders it of limited evidential value to the Tribunal.

9.10.4 Comparison 4 is located outside Buncrana with similar locational characteristics compared to the Property. The warehouse is valued at €18 psm and the concrete yard at €1.00psm, evidence which is of assistance to the Tribunal.

9.10.5 Comparison 3 is located close to the Property in Buncrana and 52% of its size. Construction is basic and provides a good comparison given construction similarities to the Property. The warehouse is valued at €18 psm and offices at €22psm evidence which is of assistance to the Tribunal.

9.10.6 Comparison 2 is a vacant engineering works located in Killygordan and 52% of the Property's size. Mr. Cremin, for the Respondent considered this property as his most important and relevant evidence given similarities of buildings, use, roadside position, and surrounding housing. Although appealed to the Valuation Tribunal, the valuation was settled by agreement. The majority of the workshop space is valued at €18 psm and a minority valued at €15psm. Offices are valued at €22psm, store at €10psm and a yard at €1.00psm. This evidence is of assistance to the Tribunal.

9.10.7 The Tribunal concurs with the Respondent's contention that Killygordan (Comparison No. 2) is the best comparable evidence. Offices are valued at €22psm and workshops variously valued at €15 or €18psm, store at €10psm and yard at €1.00psm.

9.10.8 Comparisons No. 3 (outskirts of Buncrana) and Comparison No. 4 (4 km from Buncrana) support the Respondents approach to valuation with offices valued at €22psm, warehouse at €18psm and yard at €1.00 psm.

9.10.9 At the Property, the Tribunal considers that the levels of €22psm for offices, €15psm and €18psm for the workshops, €10psm for the store, €1.00 psm for the yard and €15psm for the container, accords with evidence from the Donegal County Council list.

10. DETERMINATION:

10.1 Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of the Property as stated in the valuation certificate to **€133**.

10.2 The Tribunals NAV and RV calculation align with the evidence provided by Mr. Cremin on behalf of the Respondent:

LEVEL	USE	AREA (m2)	NAV€(m2)	TOTAL NAV€(m2)
0	OFFICES	66.91	€22.00	€1,472.02
0	STEEL CONTAINER	12.88	€15.00	€193.20
0	STORE	157.92	€8.25	€1,302.84
0	STORE	6.97	€15.00	€104.55
0	WORKSHOP	935.54	€15.00	€14,033.10
0	WORKSHOP	502.92	€16.51	€8,303.21
0	YARD	1180	€1	€1,180.00
			Total NAV	€26,588.92
				€132.94
			RV Say	€ 133.00

RIGHT OF APPEAL:

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.