

Appeal No: VA23/5/0520

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

SECMOR LTD T/A CENTRA

APPELLANT

and

TAILTE ÉIREANN

RESPONDENT

In relation to the valuation of

Property No. 2161782, Retail (Shops) at The Quay, Westport, County Mayo.

B E F O R E

Donal Madigan - MRICS, MSCSI

Gerard O' Callaghan - MRICS, MSCSI

Mema Byrne - BL

Deputy Chairperson

Member

Member

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 24TH DAY OF JULY, 2025**

1. THE APPEAL

- 1.1 By Notice of Appeal received on the 17th day of October, 2023 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value '(the NAV)' of the above relevant Property was fixed in the sum of €108,600.
- 1.2 The grounds of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because: *1. "The subject property's valuation is incorrect owing to its matters of fact. The rear stores are industrial in type and could not be used for retailing. The subject property has been constructed piecemeal and is not a modern purpose built supermarket. The stores need to be assessed by reference to other stores and not to supermarkets.*

2. The subject property's valuation is incorrect owing to the rental levels of other properties. The Quay is significantly away from the centre of Westport and has a number of shops valued by the Commissioner at €150/m² Zone A (or less). There is no reason that the subject property cannot be zoned, even if only for means of comparison. Certainly, the implied overall level resulting from zoning indicates €60/m²."

- 1.3 The Appellant considered, in the Notice of Appeal, that the valuation of the Property ought to have been determined in the sum of €57,500.

2. REVALUATION HISTORY

- 2.1 On the 23rd day of September, 2022 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 ("the Act") in relation to the Property was sent to the Appellant indicating a valuation of €112,600.
- 2.2 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 of the Property was reduced to €108,600.
- 2.3 A Final Valuation Certificate issued on the 15th day of September, 2023 stating a valuation of €108,600.
- 2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 1st day of February 2022.

3. THE HEARING

- 3.1 The Appeal proceeded by way of an oral hearing held remotely, on the 18th day of February, 2025. At the hearing the Appellant was represented by Mr David Halpin M.Sc. Ba. (Mod) from Eamonn Halpin & Co. Ltd and the Respondent was represented by Mr Ian Power B.Sc. (hons) of Tailte Éireann .
- 3.2 In accordance with the Rules of the Tribunal, the parties had exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having taken the oath, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

4. FACTS

- 4.1 The property is situated on the outskirts of Westport town on the Quay Road close to Westport Quay. It is approximately 1km from the town centre.
- 4.2 Westport is a very busy town and would be regarded as Mayo's main tourist destination. The town has a large number of amenities, including shops, hotels pubs, restaurants, and cafes. There is also a number of large factories located in the area as well. The population

of Westport as of the census of 2022 is 6,872, making it the third largest settlement in Co Mayo.

- 4.3 The subject property is a supermarket with dedicated retail building to front, adjoining dedicated storage to rear.
- 4.4 The overall floor areas are agreed at 1,107.29 square metres but not the composition
- 4.5 The property has parking for approx. 30 cars. The subject property was redeveloped in 1999 and the property is physically the same now as it was in 1999.

5. ISSUES

- 5.1 The Tribunal must decide whether the Appellant has discharged the onus of proof in proving that the Net Annual Value of €108,600 is incorrect on the basis:
 - (a) The level applied to the store (i.e. uniform supermarket level) is incorrect; and that a lower level should have been applied to the storage part of the Property; and
 - (b) The supermarket level in view of the actual location of the Property is incorrect; and that a lower level should have applied given the location of the Property.
- 5.2 At the hearing the Appellant contended for a valuation of € 62,600 whilst the Respondent contended for a valuation of € 108,600 as appears on the Final Valuation Certificate.

6. RELEVANT STATUTORY PROVISIONS:

- 6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”
- 6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

7. APPELLANT'S CASE

- 7.1 The Appellant's witness Mr. David ES Halpin M.Sc. (Real Estate) Ba. (Mod) adopted his précis as his evidence in chief.
- 7.2 The Appellant stated that the appeal is focused on two net points. Firstly, the storage area which is structurally different to the retail part of the Property was valued at the same level as the retail part of the Property; and secondly, the fact that the Property is on the outskirts of the town but was valued at the same level as properties in the centre of the town.
- 7.3 The Appellant submitted that the Property is an oversized convenience store 1-2kms from the centre of the town and therefore should be rated as such and not rated the same as a purpose built supermarket.
- 7.4 The Appellant submitted that the property is the same as it was in 1999. The Appellant stated that the Commissioner was submitting that the street adjacent to the subject property also provided parking, but that was not parking belonging to the subject property, it was ordinary street parking.
- 7.5 The Appellant stated that in a modern supermarket store the properties are purpose built and there is no difference structurally between the retail area and the storage area. It is only a matter of the property being divided into the retail and storage areas, as desired by the occupant. The Appellant submitted that the subject property is structurally different; the storage area is not built to the same specification as the retail portion and is more akin to an industrial unit.
- 7.6 The Appellant submitted that the storage area should have been valued as industrial, and that this has been done in comparator 6 submitted by the Appellant.
- 7.7 The Appellant submitted that due to the fact that the entire of the Property was valued as a retail unit, it was also subject to a fit out addition. It was submitted that as a matter of protocol retail units under 1,000msq are not assessed for fit-out, as per the agreed guidance note for large retail units. By including the storage area as retail, the Commissioner artificially increased the retail size above 1,000m² thus attracting a fit-out addition. The Appellant submitted that as there is just 743.79m² of retail, this fit out addition should not apply.
- 7.8 The Appellant relied on 6 comparators as follows:

- 1. Property Number PN 2212766 with a NAV of €159,800

This property is a 1,694.1sq.metre plus canopy sqm purpose built supermarket. The supermarket was valued at €85 per sqm and the canopy at €12.75 per sqm. The Appellant submitted that this is the most comparable supermarket in terms of size and arguably in terms of relative location. This is the most modern supermarket in the town, completed in

2011. It has parking for 200 cars. The superior size and parking would invariably lead to a higher rental bid by the hypothetical tenant versus the subject.

2. Property Number PN 1342783 with a NAV of €236,000.

This property is a town centre supermarket. The supermarket is valued at €85 per sqm and the offices and store on the first floor are valued at €42.50 per sqm. The property has approx. 30m retail frontage to Shop Street and a further 10m onto the Octagon, with a carpark entrance to the rear and space for 150 cars.

3. Property Number PN 2195498 with a NAV of €343,000

The retail space was valued at €85 per sqm and the store area valued at €42.50 per sq m. This is the largest supermarket in the town and is adjacent to the train station. Fully purpose built and completed in 2007. The property has 330 car spaces which are also shared with an adjacent smaller retail parade. The Appellant submitted this was a far superior property being the best supermarket in town.

4. Property Number PN 1344065 with a NAV of €4,760

This property was divided into Zone A retail space valued at €150 per sqm and Zone B Retail space valued at €75 per sqm. This property is the only other shop located adjacent to the subject Property. This property has a retail area of just 30m². The Appellant submitted if the subject property were to be zoned, it would be valued at less than €60/m² being the figure proposed by the Appellant for the subject property.

5. Property Number PN 1344030 with a NAV of €4,260 NAV

This property is used as a workshop and is valued at €25 per sqm. The Appellant submitted that it is the closest industrial property to the subject, 650m from the subject Property at the Harbour. The Appellant submitted that, physically, this property is exactly the same as the subject Property's storage area which may be differentiated from the storage areas in Comparisons 1-3.

6. Property Number: PN 1358195 with a NAV of €67,500.

In this property the supermarket area (996.38m²) is valued at €55 per sqm, the store area at €20 per sqm and offices at €27.50 per sqm. The store area was not added to the supermarket area and thus the property did not attract a fit out addition. This purpose built supermarket is of similar size but is situated in Crossmolina. This is the only such property in Crossmolina. The Appellant submitted this property as a comparator to show that a rate of €55-85/m² is applied to a supermarket in category 2 towns in Mayo and that retail of under 1,000m² does not incur fit-out addition and that the Commissioner has treated the stores as a separate structure, where same is warranted. It was submitted that retail in Crossmolina Main Street (Zone A) is valued at €140 per sqm whereas in Westport it is €150 per, but that when it comes to supermarkets, there is a huge difference in valuations namely €55 per sqm versus €85 per sqm.

- 7.9 The Appellant submitted that if the Property came up for rent, a large supermarket such as Lidl or Aldi wouldn't bid for it and that, if they did, they would not bid higher than

€60 per sqm and, accordingly, that the property should be valued as a convenience store and not as a supermarket.

- 7.10 The Appellant submitted that the NAV as at 1st February 2022 in respect of the subject Property should be calculated as follows:
Supermarket 743.79m² @ €60/m² = €44,627
Store 321m² @ €25/m² = €8,025
Store (Basement) 42.5m² @ €42.50/m² = €1,806
+ Off-Licence @ 15% = €8,169
Total NAV €62,627 say €62,600
- 7.11 On cross examination, Mr Halpin accepted that there was internal access within the building to the stores. He stated that there were doors between the retail area and the back door. He stated that he had inspected Comparator 6 in Crossmolina. He accepted that there is storage space within the envelope of that building that was valued at the retail level and that the storage space with the lower valuation is external storage and not within the envelope of the building. Mr Halpin was asked whether storage space was valued at a different level to retail space anywhere else in the county, he accepted that he wasn't aware of this being applied anywhere else.
- 7.12 Mr Halpin was asked about zoning; he was asked whether he was aware of the zoning for his first comparator, Mr Halpin said he was not aware of its zoning. He was asked about the zoning for the second comparison and stated that it was €460. When he was asked about the third comparison, he said he thought it was zoned at €250 but accepted the figure of €200 put to him by the Respondent. It was put to him that there was a significant difference in the zoning for each of the comparators, but that all of them had an overall retail NAV of €85 per sqm. Mr Halpin stated that the location of the subject property is poorer than the comparators.
- 7.13 Mr Halpin accepted his client had invested €500,000 in fitting the Property out. He was asked why the Appellant would invest €500,000 in fit out if the location is so poor. Mr Halpin said that it is not known what the larger comparators spent on fit out. Mr Halpin stated that, just because the Appellant had spent €500,000 on fit out, does not mean that it should be valued at the same level as the comparators that are in preferable locations. Mr Halpin said that the only choice available to his clients is to start again at a new location or invest in the property it has. He stated that if the Retail Zone A is €150 per sqm it makes sense that the subject unit would be valued at €60 per sq m.
- 7.14 Mr Halpin explained the physical nature of the storage area and submitted that the storage area could not be incorporated into the retail area. He submitted if it were possible to integrate the storage in, the Appellant would have done that. He was asked about the premises in Crossmolina, and how the storage within the premises, being valued at the same level as the retail space, differed from the subject property. He submitted that that property only had a stud wall between the retail space and the internal storage and therefore in that instance it made sense for it to be valued at the same rate as the retail space. He clarified for the Tribunal that, if the subject Property was to be valued on a zoning basis

that the applicable Zone A rate in this part of the town is € 150.00 per sqm, and that this produced an equivalent overall unit value rate of € 58.50 per sqm which he had adopted, rounding up to € 60 per sqm to arrive at his valuation. .

- 7.15 The Appellant summarised his position stating there are two elements to his case:
- (a) The treatment of the dedicated store as retail by the Commissioner
 - (b) The application of the overall rate of €85/m² despite the inferiority of the property and its location
- 7.16 He submitted that in the construction of a modern edge of town supermarkets now that the stores and the retail are interchangeable, being built as part of the one structure and to the same specifications. However, this was not the case in 1999 and the subject Property has entirely separate retail and storage blocks. In this context, the subject's stores would not make retail and hence cannot be of the same value as the supermarket floor. By valuing the store and the retail area together the Commissioner is pushing the retail area above 1,000m² and subjecting this to a fit-out addition. The Appellant submitted the stores should be valued by reference to industrial property and the fit-out addition should be removed (as was done in Comparison 6). Thereafter, it was submitted that it is a question of relative location and relative quality. At a retail size of 743.79m², (being his contention in contrast to that of the Respondent) the subject is capable of zoning at the prevailing rate of €150/m². It is not necessary to formally value the subject on a zoning basis but rather the overall rate fixed should not substantially exceed the zoned value. In this instance, zoning the subject results in an overall level of €58.50/m². The appellants have rounded this to €60/m², which is also appropriate relative to the other supermarkets in the town

8. RESPONDENT'S CASE

- 8.1 The Respondent outlined the physical premises. It was submitted that the subject property is a large purpose-built supermarket and has been valued as such. The property comprises a ground floor shop with retail, offices and storage use. Part of the basement is in storage use. The upper floors are domestic and therefore excluded from this appeal..
- 8.2 The property is finished to a modern specification throughout and encompasses retail to the front and side elevations. There is storage towards the rear of the property as well as offices/canteen area. There is a large amount of customer parking available to the front, sides and rear of the property.
- 8.3 The Respondent submitted that the valuation is in line with other similar properties throughout the functional area of Mayo County Council. Accordingly it was submitted that that the level applied to the Property sections is fair, equitable and supported by evidence. The Respondent noted that the Appellant's Agent accepted the general scheme of valuation in relation to similar sized Supermarkets and submitted that no rental transactions supported the Appellant's suggested valuation.
- 8.4 The Respondent noted that the comparisons cited by both the Appellant and the

Respondent, illustrate that the valuation applied is correct, taking the location of the Property into account.

- 8.5 The Respondent opined that the storage should not be treated any differently to any other similar type of supermarket. It is not external storage, and is linked to the main supermarket and is part of the retail envelope. The established method to value a Supermarket is on an overall approach using the same rate per sqm on each floor.
- 8.6 The Respondent relied on one key rental transaction, namely:
A Purpose built retail unit located just off town centre of Castlebar . It was initially let as a purpose built retail supermarket but is now in another retail use. The Initial rent from 2011 was €300,000pa (€252/sqm). A Rent review in 2016 set the rent at €150,000 per annum which works out at €122.13/sqm based on 1,186sqm. The valuation date for this unit is the same as the subject Property, February 2022. The NAV is €105,900 which reflects a unit value rate overall of € 85 per sqm..
- 8.7 The Respondent relied on a number of comparisons namely:

1. Property no: 2212766

This was also relied on by the Appellant. It is a purpose built supermarket situated on the outskirts of Westport Town on the New Road, just off the entrance to the Westport Hotel. It has an entrance porch, shopping area (including bakery), stores, manager office, canteen / staff area, toilets, and canopy over trolley bay. There is car parking for circa 80 cars. There is a large storage area to the rear on the ground floor with ancillary areas (staff area canteen etc). The total floor area is 1,694.1sqm with a NAV of €159,800. The NAV of the supermarket area is €85 per sqm.

2. Property No: 1342783

This was also relied on by the Appellant. This is a purpose built supermarket, that has been redeveloped over the years. The retail section is well fitted out to modern standards. Located in the town centre of Westport, it has retail at ground floor with storage and offices on the first floor. The total floor area is 3,049sq.m with a NAV of €236,000. The NAV per sqm is €85 for the supermarket, €42.50 for the storage area (which is separate to the shop) and €42.50 for the offices.

3. Property No: 2195498

This was also relied upon by the Appellant. It is a purpose built supermarket and part of a neighbourhood shopping centre with other retail units - The retail element is well fitted out

to modern standards. Similar type development to the subject unit. It is significantly bigger than the subject unit and is located on the outskirts of Westport. The total floor area is 4074.56sqm with a NAV of €343,000. The NAV per sqm is €85 for the supermarket, €42.50 for the storage area (which is separate to the shop) and €42.50 for the offices.

4. Property No: 1361180

Situated outside the town centre of Claremorris. The property comprises a large supermarket with shop area, offices, store, plantroom, chillroom & freezer. It has a standard fit-out. It has a car park at the front and side for 75 spaces. The Stores are situated at the rear of the property. It is an old development that has been developed over the years. The property has a total floor area of 1,784.82sq.m and a NAV of €121,900 and the supermarket has a NAV of €65 per sqm and the offices at first floor, of 192.63sqm are valued at € 32.50 per sqm..

5. Property No: 1348199

This property is a purpose built supermarket located in the town centre of Ballina. It is a modern development fitted out to a high standard. The retail and storage areas are on the ground floor with ancillary areas (staff area canteen). There is a significant amount of storage space included in the overall level and an allowance added for fit out. The Property has a total floor area of 1,239.23 sqm and a NAV of €111,100, which reflects an NAV of €80 per sqm

6. Property No: 2198475

This property is a two storey retail unit which is part of a purpose built four-storey retail development. It has a steel frame construction with brick outer leaf clad and pvc cladded roof, tiled floor and suspended ceiling to the retail area. The unit overall is in good condition, and there is ample parking including underground. There is a significant amount of storage space included in the overall level, and an allowance added for fit out. The property has a total floor area of 1,168.26 sqm and a NAV of €101,700 which reflects an NAV of €85 per sqm.

7. Property No: 1358293

This property is situated in the town centre of Ballinrobe. It is an old development that has been developed over the years. The property comprises of a large supermarket with shop area, offices, store, plantroom. It has a standard fit-out. There is a car park at front and rear. Stores are situated at the rear of the property. The stores are old, the same level is applied to the whole ground floor. The property has a total floor area of 1,600.33 sqm and a NAV of €108,500 which reflects an NAV of €65 per sqm.

8. Property No: 1363443

This property is situated in the town centre of Ballyhaunis. The property comprises a large supermarket with shop area, offices, store, plantroom, chillroom & freezer. It has a standard fit-out. It has a car park at front and side for 75 spaces. The Stores are situated at rear of property. It is an old development that has been developed over the years. The total floor area is 1584.96 sqm, and the NAV is €98,400 which reflects an NAV for the Supermarket portion of €65 per sqm.

8.8 The Respondent submitted that a number of the comparators used by the Appellant were supermarkets that have been developed on a piecemeal basis over the years. He noted that not all supermarkets are built to a spec where storage spaces are no different from retail, (all built to the same specification). It was submitted that the overall size of the development is 1107.29sq.m, therefore, as per the agreed guidance note for large retail units an addition to reflect the fit out should be applied. The fit-out additions are made to supermarkets where the entire footprint including storage areas on the ground floor exceeds 1,000sq.m. The Respondent submitted in relation to the location, that the level applied is in line with other similar developments located in the surrounding areas. It was submitted that supermarkets are measured on an overall basis compared to similarly valued large shops which exist in a different market to zoned shops with a different supply and demand dynamic. The Respondent specifically submitted that he did not agree with the agents estimation of the overall ITZA for the development.

8.9 The Respondent submitted that he investigated all of the particulars of the appeal, considered both the grounds and the evidence of the Appellant, and he agreed any matters of fact which were in dispute. Taking all of the foregoing into account, he concluded that the correct NAV for this property is €108,600. The valuation is arrived at on the following basis:

Use	Floor Ares (Sq.M)	NAV per Sq.M	NAV
Supermarket	1,064.79	€85	€90,507.15
Stores (Basement)	42.5sq.m	€42.5	€1806.25
Off Licence		0	€10,000
Fit-Out Allowance (7%)		0	€6,335.5
Total NAV			€108,648.9
NAV, Say			€108,600

- 8.10 Upon cross examination the Appellant asked the Respondent whether the subject property, being away from the retail core of the town, was significant as other comparators used are in the retail core of the town. The Respondent said that the property is in a good location, near to a hotel and the quays and other retail developments, even if it was on the periphery of the town. He submitted that it was beside a significant amount of amenities in that location and, while in a different location, is comparable to comparator 3 which is also away from the retail core of the town. He was also asked about the layout of the Property, and the fact that part of the storage is called “covered yard”. The Respondent said that when he visited the site the “Covered Yard” has a proper concrete floor, cold rooms, cctv and it was a significantly better construction than a covered yard. He was asked about the internal photographs and asked to compare the supermarket and the storage area in the photographs, the Respondent said that the fit out is different, the Respondent did not think the areas were distinctly different. He stated that they are purpose built. He was asked which comparison is the most comparable in terms of size. He stated that comparator 5 (1200 sqm) is the most similar in terms of size, and then number 7 (1600 sqm) and comparator 8 (1700 sqm). He was asked whether there is a general convergence around a modern purpose built supermarket of 1600/ 1700 sqm . He questioned whether this property would be too small for a major supermarket operator such as a Lidl or a Tesco. The Respondent did not agree; he said that it suits the size of the area and noted that comparators 5 and 1 are run by the same major supermarket operator, and the two properties are different sizes, namely 1200sqm and 1700sqm respectively.
- 8.11 In relation to comparator 4 the Respondent was asked whether the fact the unit was in Claremorris was the main reason for the NAV of €65 psqm. The Respondent stated that in general the smaller towns had been valued at €65 per sqm and the larger towns at €85 per sqm and that location was still the most significant factor in informing the valuation. He stated that Castlebar would be valued at approximately €85 per sqm. He was asked whether the fit out was approximately 15 years old in this property and he agreed.
- 8.12 In relation to comparator 5 he was asked whether this property was in the town centre, the Respondent submitted that it was. He also agreed that the property had not been fitted out in about 15 years.
- 8.13 The Respondent was asked whether comparator 6 was actually comparable at all as it is a two storey retail unit. The Respondent submitted that it is a retail unit which showed a fit out allowance was applied for a retail unit over 1,000 sqm. It was questioned whether the comparator was located in a different area being in a retail park location is different to an out of town location. The Respondent submitted that the subject property is very strategically located.
- 8.14 In relation to comparator 7 the Respondent was asked about the deduction shown in the NAV figures. The Respondent explained that it was a typo. The Respondent agreed that the property had not been re-fit out for approximately 15 years. The Respondent admitted that the comparator properties had not submitted information about investment made in the premises over the years.

- 8.15 In relation to comparator 8 the Respondent was asked why there was no valuation for an off licence. The Respondent stated that he did not know.
- 8.16 The Respondent was asked by the Tribunal if the stores were detached would the stores have been valued at a different level. The Respondent stated that like the store at Crossmolina, where the storage is separate it is valued at a different level. The Respondent was asked if any of the comparators had storage like that in the subject property. The Respondent stated that comparator no. 7 had similar storage and it was also valued at the same level as the shop as the storage was incorporated into the premises which was purpose built. In comparison no.8 similarly the storage is incorporated into the property and valued at the same level. He also stated that comparators 4 and 2 were also similar. He stated that an industrial valuation would be given to a basic shed. The Respondent was questioned about the fit out allowances, he stated that the fitout refers to the building itself such as the flooring of the building. The Respondent stated that the investment by the Appellant in the Property is not broken down and therefore some of it may be in equipment but account was taken of the investment. In relation to the location the Respondent stated that being outside town can be seen as an advantage in relation to traffic, and that it is a purpose built unit. He stated that the location of the bigger supermarkets are not in as good a location as the subject property.
- 8.17 Neither party objected to the Chair reading into the record the populations of each of the other towns used in the comparators as follows: 2022 census
Ballina – 10,556
Castlebar -13,054
Ballinrobe -3,148
Ballyhaunis- 2,773
Crossmolina- 1,134
Claremorris 3,857
- 8.18 The Respondent was asked to outline the scheme for fitout allowances. He stated that for years 0-5 and 5-10, 7% is applied; for 10-15 years it's 3%, and 15-20 – 2% and over 20 years no allowance is made. The Respondent was also asked to outline the addition for the off licence and the cap applied. He stated that a valuation of 15% of the NAV subject to a cap of €10,000 may be applied to an off- licence area and therefore in many of the comparators had an add on of €10,000.
- 8.19 The Respondent was asked about the location again and the Respondent stated that it is in a good location. The Respondent was asked whether this property would enjoy a monopoly around the area of the quays. The Respondent said that it appears that way although he cannot say that for certain. He did say that the Property would really benefit from the tourism in Westport. It was asked whether comparison 1 (common to both) was tested by a rating specialist. The Respondent confirmed that it was tested by a rating specialist by representations having been made. The Respondent submitted that the larger

supermarkets tend to have specialist agents dealing with their rating and therefore are monitored when being rated.

9. SUBMISSIONS

- 9.1 No legal submissions were made

10. FINDINGS AND CONCLUSIONS

- 10.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct, equitable and uniform so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Mayo County Council. Accordingly, the Tribunal finds as follows:
- 10.2 That the subject Property is a purpose built supermarket with storage areas contained within the envelope of the building.
- 10.3 That the comparators submitted by the Appellant did not demonstrate that storage areas contained within the envelope of any other supermarket and been valued at an industrial rate or any other lower rate.
- 10.4 That the comparators submitted by the Respondent demonstrated that the storage areas contained within the envelope of any other supermarket are valued at the same rate as the retail area of the property.
- 10.5 That all supermarket properties in Westport are valued at €85 per sqm.
- 10.6 That the rear storage area is not industrial in type, having regard to the fit out and flooring of the area.
- 10.7 With reference to the comparators, the storage areas of other supermarkets, where contained in the property, show that the storage areas are assessed at the same level as the retail area, and therefore for equity and uniformity of approach this is the correct approach to take when valuing the subject Property.
- 10.8 That the location of the subject Property, while not in the retail core of the town, has many advantages, and is not deemed to be of an inferior location, particularly when compared to other out of town supermarkets. Specifically, the subject property is well located for tourists, and it serves a particular area of the town.
- 10.9 That the subject property, being located in Westport, is not directly comparable to properties in smaller population centres such as Claremorris, Ballinrobe and Ballyhaunis.

- 10.10 That the correct addition for investment in the subject property within the last 10 years, namely 7% addition was applied to the subject Property.
- 10.11 That the correct addition for an off-licence area was added to the valuation, namely €10,000.
- 10.12 That the valuation of €108,600 in respect of the Property is correct, equitable and uniform relative to the value of other comparable properties on the valuation list in the rating authority area of Mayo County Council.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent.

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.