

Appeal No: VA23/5/1540

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

LJF Retail Limited

APPELLANT

and

Tailte Éireann

RESPONDENT

In relation to the valuation of

Property No. 1210037, Retail (Shops) at 33 Abbey Street, Ennis, County Clare (“the subject”).

B E F O R E

Dairine Mac Fadden - Solicitor
Gerard O’Callaghan - MRICS, MSCSI
Killian O’Higgins - FSCSI, FRICS

Deputy Chairperson
Member
Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 28TH DAY OF OCTOBER 2025

1. THE APPEAL

1.1 By Notice of Appeal received on the 19th day of October 2023 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ‘(the NAV)’ of the subject was fixed in the sum of €12,500.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the subject is not a determination that accords with that required to be achieved by section 19 (5) of the Act because:

“I believe the valuation of the subject property is excessive and does not accord with Section 19(5) of the Valuation Act, 2001 as amended by the Valuation (Amendment) Act, 2015 (the Act) as in my opinion it does not achieve both correctness of value and equity and uniformity of value between comparable properties on the list.

More particularly, I do not believe that equity and uniformity of value have been achieved between comparable properties as I believe the subject property has unique considerations which differentiate it from similarly categorised properties in the List including peripheral retailing location within the town, size, awkward configuration, quality of the building and general rental levels in the area. In consideration of these specific matters, I believe a lower valuation as set out herein is more representative of a reasonable Net Annual Value in accordance with Section 48 of the Act”.

1.3 In the Notice of Appeal, the Appellant considered that the valuation of the subject ought to have been determined in the sum of €9,100.

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 as amended (“the Act”) in relation to the subject was sent to the Appellant indicating a valuation of €13,890.

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 subject was reduced to €12,500.

2.3 A Final Valuation Certificate issued on the 15th day of September 2023 stating a valuation of €12,500.

2.4 The date by reference to which the value of the subject, was determined is the 1st day of February 2022 (“the valuation date”).

3. THE HEARING

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 23rd day of September 2025. At the hearing the Appellant was represented by Claire Mason B.Sc (Surv) Associate Director, Avison Young, and the Respondent was represented by Jonathan Sharkey, Assoc SCSI B.Sc (Hons) Property Studies B.Sc. Real Estate Valuer of the Valuation Office.

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 affirmation, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

3.3 As the functions of the Commissioner of Valuation are now performed under the authority of Tailte Éireann with effect from 1st March 2023 (S.I. No.58/2023 - Tailte Act 2022 (Commencement) Order 2023), the parties representatives agreed at the commencement of the hearing that the title of the Respondent should be amended to Tailte Éireann.

4. FACTS

4.1 From the evidence adduced by the parties, the Tribunal finds the following facts.

4.2 The subject forms part of a terrace of commercial properties at the lower end of Abbey Street in Ennis Co Clare at its junction with Francis Street. The subject comprises a ground floor retail unit with a store, which is occupied by La Jolie lingerie shop. The retail unit has painted and plastered ceilings and walls with laminate flooring. A door to the side of the changing room leads to a narrow corridor with access to a very small rear courtyard and bathroom.

4.3 The agreed floor areas are as follows:

| Description | Floor Area m² |
|--------------------------------|---------------------------------|
| Ground floor - Zone A (Retail) | 27.13 |
| Ground floor - Store | 6.56 |
| Total | 33.69 |

4.4 The subject has a frontage of 3.34m and a depth of 5.94m.

4.5 At the valuation date, the tenure was freehold.

5. ISSUES

The subject has been entered on the Valuation List with a total NAV of €12,500 (Zone A retail at €450/m² and store at €45/m²).

The principal issue in this appeal is the quantum of the valuation. It is the Appellant's assertion that the subject should be valued at a reduced rate of €300/m² for Zone A and that the store area should be designated as Zone B and valued at a level of €150/m². The Appellant also contends for a further 10% end allowance applied to the overall NAV. The Respondent seeks to uphold the valuation entered on the Valuation List.

6. RELEVANT STATUTORY PROVISIONS:

6.1 The net annual value ("NAV") of the subject 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 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 Ms. Mason for the Appellant said that the €450/m² Zone A level applied to the subject was the second highest Zone A level within the town of Ennis, with retail units at the prime location of O’Connell St. being valued at a Zone A level of €600/m². She submitted that the commercial centre of Ennis town is located on an axis from O’Connell Square, O’Connell St., High St., Parnell St. and the Market St. Area. The subject was situated in a peripheral location and was one of the last retail units at the end of Abbey St., far removed from Ennis’s retail core. Due to the topography of Abbey St., there is no line of sight from O’Connell Square beyond the mid-point of Abbey St., so the subject lacks both visibility and profile, unless you were directly next to or in front of it. Having reviewed the public realm spend of the Local Authority, and the County Development Plan 2023-2029, she said that Abbey St. did not feature in respect of any enhancement works, upgrading works or substantive public investment. She submitted that due to this lack of investment, vacancy rates on Lower Abbey St. continued to rise and tenant covenant strengths had diminished. She said that there was a level of dereliction on the lower half of the street and that this all indicated that Abbey St. should be regarded as a tertiary street in the context of the retail hierarchy in Ennis

7.2 Although it could be argued that with frontage to the Abbey St. Car park, there would be improved visibility and profile as there were two exits from that car park, she said that the quickest pedestrian exit was via Bank Place which would result in pedestrians bypassing Abbey St. in its entirety. Further, in the long term, she said that the Local Authority planned on removing Abbey St. carpark to develop offices, which she said would have a further detrimental effect.

7.3 She submitted that there were serious and significant traffic issues arising from the physical narrow width of the turn at the Abbey St./Francis St. junction where the subject is located and the restrictions placed on it in respect of larger vehicles.

7.4 She submitted that there were ongoing issues with the sewage/drainage in the subject and the drainage for No. 35 Abbey St. also is located underneath the subject and that these ongoing issues prevented the properties being used as a café or hairdressers and the drainage capacity could not be increased.

7.5 She was of the opinion that due to their proximity to O’Connell St., retail units on O’Connell Square and Bank Place, High St. and the top of Parnell St. were correctly identified as secondary retail locations. Although the Local Authority spent over €1.5m enhancing Market St. in 2015, which she said was reflected in footfall and passing rents for properties in that area as evidenced in the commercial leases register, and its proximity to O’Connell Street, its Zone A level of €350/m² was assessed at €100/m² less than the subject, suggesting she said that Tailte Éireann believed it was an inferior location compared to the subject.

7.6 She was of the opinion that Abbey St. should have been assessed in a similar way to Parnell St/ High St. where the properties located closest to O'Connell Square had been valued at €450/m² to reflect their more prominent locations but beyond this point, the Zone A was reduced to €300/m² to reflect their inferior location. She noted that properties beyond Post Office Lane were valued at a Zone A of €300/m² (one by VT agreement) and other properties located near the subject were valued at €160/m², €220/m² and €300/m² respectively, She saw no reason why the subject was valued any differently to these retail units as they all shared a similar peripheral location and arguably the worst retail pitch on Abbey St.

7.7 Ms. Mason had undertaken an analysis of the overall rate/m² applied to ground floor retail units on Abbey St. which had been valued at the same level as the subject, and she said that this showed an average rate of €305/m² which was significantly less than the €371/m² applied to the subject on overall basis. She said that this was disproportionate when compared with the other retail units which were longer and narrower and significantly larger than the subject. On her further analysis of the other neighbouring retail units with lower Zone A at €160 - €300/m², she said that the overall rate /m², applied to the ground floor ranged from €115 - €300/m², depending on the location. She said that no discount or loadings were applied at Revaluation to account for the differences in configuration of the retail units and differences in the frontage to depth ratios, which in many cases she said was significant.

7.8 She referred to the SCSi retail zoning guidelines which she said stated that a frontage to depth of 1:3 was felt to be ideal but that a discount should be applied to units with a frontage to depth ratio of less than 1:2 or for particularly wide and shallow units such as the subject, a substantially larger discount may be applied. She also suggested that a loading of 10% for deep units with a frontage to depth ratio in excess of 1:4 could be applied. She said that the subject had a frontage to depth allowance of less than 1:2 in comparison to the most of the other retail units on Abbey St. which were assessed at a Zone A of €450/m² and which had frontage to depth ratios exceeding the ideal of 1:3. In respect of the subject, she suggested an allowance of 10%.

7.9 At the valuation date, the tenure was freehold and her rental evidence before and after that date, is set out in Appendix 1 (N/A to public). She was of the view that while some of the evidence postdated the valuation date, it was relevant.

7.10 She submitted the following by way of NAV comparisons:

NAV 1: PN 1210215 – 36 ABBEY STREET, ENNIS, CO CLARE

NAV: 2 PN 1210207 – 2A POST OFFICE LANE, ENNIS, CO CLARE

She said that both these properties were located in proximity to the subject and comparable in terms of size and layout. Zone A Retail was assessed at €300/m² in contrast to the subject at €450/m², which she believed was an appropriate assessment given its poorer, peripheral location in the broader context of Ennis town centre.

NAV 3 PN 2206228 – EBS CENTRAL BUILDINGS, ABBEY STREET CAR PARK, ENNIS

Located on the opposite side of Abbey St. with profile to the Abbey St. car park, in proximity to the subject and comparable in terms of size and layout. Zone A Retail assessed at €300/m² in contrast to the subject at €450/m², which she believed was an appropriate assessment given its poorer, peripheral location in the broader context of Ennis town centre.

NAV 4 PN 2160542 – O'BRIENS CAFÉ, ABBEY STREET, ENNIS, CO CLARE

Located in close proximity to the subject but significantly larger than the subject and benefits from food use. Modern ground floor retail unit with residential accommodation overhead. Assessed at a Zone A Retail of €160/m², which differed greatly in comparison to the €450/m² applied to the subject.

NAV 5 PN 1210205– 1 FRANCIS STREET, ENNIS. CO CLARE

Located less than 50m from the subject and comparable in terms of size and layout. Valued at a Zone A Retail of €220/m², which is less than 50% of the Zone A applied to the subject. Other retail units on Francis St. are valued at the same level.

NAV 6 PN 1209954– CORNER OF PARNELL/ HIGH ST and SALTHOUSE LANE, ENNIS

She said that this property benefited from a corner location and was similar in size to the subject, but the layout differed. Superior location on High St/ Parnell St. located less than 70m from O'Connell Square. Centrally located in the town and benefits from being next to the pedestrianised section of Parnell Street and has easy access to O'Connell Street. Valued at a Zone A Retail of €300/m², in contrast to the subject at €450/m².

NAV 7 PN 1209755– LIFESTYLE SPORTS, 2 PARNELL STREET, ENNIS. CO CLARE

Occupied by Lifestyle Sports. Significantly larger than the subject but included as a comparison to demonstrate that despite its larger size, the end NAV was not too dissimilar to that applied to the subject. Valued at a Zone A Retail of €300/m². Far superior location at the beginning of Parnell St. and located less than 50m from O'Connell Square and the beginning of O'Connell St. The laneway to the side of the property also provides pedestrian access to the Market Square area.

NAV 8 PN 1210729– 9 O'CONNELL STREET, ENNIS, CO CLARE

In a prime location on O'Connell St. in the heart of the commercial centre, occupied by Supermacs and benefits from planning for food use. Not too dissimilar in size to the subject but has a narrower frontage and extends back further. Valued at Zone A Retail of €600/m² but on an overall basis, analyses back to a rate of €390/m².

7.11 Ms. Mason gave her opinion of value as follows:

| Floor Level | Floor Use | Area (M ²) | NAV (€ per M ²) | NAV (€) | |
|-------------|------------------|------------------------|-----------------------------|------------|------------|
| 0 | Zone A | 27.13 | € 300.00 | € 8,139.00 | |
| 0 | Zone B | 6.56 | € 150.00 | € 984.00 | |
| 0 | Allowance 10% | - 1.00 | | - € 912.30 | |
| Total (€): | | | | | € 8,210.70 |

Say €8,210.00

7.12 On cross examination, Ms. Mason confirmed that the subject was located just 150 metres from O'Connell St., that 35 Abbey St. benefited from a dual aspect onto both Abbey St. and Francis St. with the main frontage window facing Abbey St. and the return frontage facing Francis St.

As far as she was aware, there was no engineer's report as regards the sewerage issue she alluded to and that she had been informed of the issue by the Appellant.

She accepted that there was no dereliction on Abbey St. and that what she was referring to was what she described as the poor tenant covenants on that street, with the majority being family operated or independent retailers and nighttime economy businesses who would not have maintained the exterior of the properties to the same standard as the high street retailers in O'Connell St. She was of the view that the valuation levels for Abbey St. should have been staggered back depending on the location and retail pitch on that street in the same way as had been done for Parnell St. With regard to her assertion that there were vacant units on Abbey St, she could not say how many there were on the valuation date.

7.13 Under questioning from the Tribunal, she said that all the photographic evidence was from May 2025 when she inspected and did not reflect the position at the valuation date. She did a comprehensive search to try and identify other rental comparisons in the vicinity, but most of them were in fact owner occupied or interconnected rentals and she was unable to find any that would substantiate her proposed valuation. Questioned on the allowance, she was seeking, she said that there was a steep slope connecting the retail space to the changing rooms at the rear and the allowance sought was to reflect that. She said that perhaps her proposal of an allowance on the basis of the frontage/depth ratio was possibly the incorrect way of going about it and her point was that the other retail units referred to in her analysis were significantly larger units. She believed that the letting by the Appellant to a tenant in 2024 was in the second quarter of that year.

8. RESPONDENT'S CASE

8.1 Mr. Sharkey for the Respondent said that the subject had frontage directly onto Abbey St., which is a very dominant and high-profile area in the centre of Ennis. Abbey St., leads directly onto O'Connell St., the principal street in Ennis town centre. Abbey St. features a diverse range of retail occupiers. Abbey St. also benefits from the presence of the landmark Old Abbey, which attracts significant tourist footfall, particularly during the summer months.

8.2 With regards to frontage to depth ratio, which he said the Appellant's stated on page 14 of her précis was less than 1:2 for the subject, he said that the subject had in fact a frontage to depth ratio of 1:7. This ratio was arrived at by dividing the depth (5.94m) by the frontage (4.34m). Mr Sharkey later acknowledged that his 1:7 frontage to depth figure was incorrect and corrected it to 1:1.37.

8.3 He said that the Appellant also failed to substantiate the alleged sewerage issue by proving any documentary evidence or an engineer's reports on the matter. Further, the photographic evidence showed that the bathroom was in working condition.

8.4 There were thirty-one retail properties on Abbey St. which were valued at €450/m² (Zone A); of these, five were appealed, one of which sought an end allowance for condition without challenging the Zone A level (VA23-5-1334), while another related specifically to a subdivision of the ground level and upper floors (VA23-5-1325). The other three referred to the subject and two other retail units. The remaining twenty-six retail properties, located on Abbey St. were not appealed, yet he said, the Appellant has not put forward any of these as comparable properties in her Précis.

8.5 Tailte Éireann gathered available rental evidence in and around the valuation date. This rental evidence was then assessed, and NAVs were determined in accordance with Section 48(1) and (3) and Section 19(5) of the Act. Rental evidence was requested from rate payers, the Revenue Commissioner and the Property Services Regulatory Authority.

8.6 He commented on the Appellant's NAVs as follows:

NAV 1, NAV 2, NAV 3: He said that the rationale as to the rate/m² applied to these properties in comparison to the subject, was due to these properties having a significantly lower profile and being in a less dominant location compared to the subject.

NAV 4: He said that this property is situated in an isolated corner of Abbey St. Car Park, with very little passing footfall and very little passing vehicular traffic.

NAV 5: While it is within close proximity of the subject geographically, he said that there are significant differences between the two locations.

NAV 6: He said that the location of this property is less dominant and at a disadvantage when compared with the subject. This property is situated in an area where access for vehicle traffic is more restricted than Abbey St. and therefore this location experiences less passing vehicular traffic than that of the subject. There is also no parking close to this property, and he said that the subject benefits from on street parking close to it.

NAV 7: He said that the ground floor retail area equates to 121.02m², which is much larger than the subject floor area of 24.74m².

NAV 8: He said that the ground floor retail area equates to 86.85/m², which is larger than the subject's floor area of 24.74m². The overall valuation of this property is €38,600, the valuation that the Appellant referred to in her Précis of €19,780 related to the ground floor retail areas only.

8.7 He submitted two key rental transactions, details of which are contained in Appendix 2 (N/A to public) and indicating Zone A rental values of €405/m² and €880/m².

8.8 Mr. Sharkey's NAV comparisons were as follows:

| | Address | NAV per Sq. M | NAV |
|------------------|---|----------------------|------------|
| NAV 1 PN 1210076 | 30 Abbey Street, Ennis, Co. Clare, V95K652 | €450 | €12,030 |
| NAV 2 PN 1209229 | 32 Abbey Street, Ennis, Co. Clare, V95AY16 | €450 | €10,980 |
| NAV 3 PN 1210072 | 25 Abbey Street (Ground Floor), Ennis, Co. Clare, V95N28X | €450 | €10,880 |
| NAV 4 PN 1210091 | 16 Abbey Street, Ennis, Co. Clare, V95TK60 | €450 | €19,020 |

8.9 His opinion of value was as follows and as reflected in the final valuation certificate issued for the subject, which he asked to be upheld.

| Use | Floor Ares (m²) | NAV/m² | NAV |
|---------------|-----------------------------------|--------------------------|------------|
| Retail Zone A | 27.13 | €450 | €12,208.50 |
| Store | 6.56 | € 45 | € 295.20 |
| Total | 33.69 | Total | €12,503.70 |
| Total NAV | | | €12,500.00 |
| NAV, Say | | | €12,500.00 |

8.10 On cross examination, Mr. Sharkey confirmed that the subject was at the lower end of Abbey St. but said that it was a good bustling retail section.

He agreed that there was a through road through that car park onto Bank Place but said that the road would not get as much passing vehicle traffic as the road where the subject was located. He accepted also that you could by pass entirely the section of Abbey St. on which the subject was located, but that to do that you would have to know the area.

He accepted that High St. was closer in theory to O'Connell St. and O'Connell Square than the subject, but that High St. was not as dominant a location compared to the subject and was pedestrianised and that while it was arguable that pedestrianisation was a bonus, business owners might prefer passing traffic.

He accepted that there was limited on street parking close to the subject.

The two KRTs he had submitted were the two he deemed most relevant. In relation to KRT1, he agreed that this was at the mid-point rather than the lower end of Abbey St.

He believed that the Appellant's NAVs were in a less dominant position than the subject and that this warranted what the Appellant's representative referred to as a significant decrease in the Zone A level of valuation for those properties.

He was satisfied that the valuations were 100% correct. There could be a significant difference in the levels of valuation applied to properties in close proximity to one another in every city and town in the country.

He agreed that the subject was only 150 metres from O'Connell Square. He did not accept that his NAV comparisons were superior locations to the subject. He accepted that Ms Mason had not said that the bathrooms were not working.

In response to questions from the Tribunal, he said that the photographs did not reflect the position at the valuation date but were more recent.

9. SUBMISSIONS

There were no legal submissions.

10. FINDINGS AND CONCLUSIONS

10.1 On this appeal the Tribunal has to determine the value of the subject so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the subject as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Co. Clare.

10.2 It is well established that in a rating appeal the onus of proof lies on the Appellant to show that the NAV is incorrect.

10.3 No weight can be attached to the rental evidence referred to by the Appellant's representative at paragraph 10 of her précis. The tenure of the subject was freehold at the valuation date and the rental evidence in relation to the subject pre-dates that to a period between 2016 and 2021 (dates unknown) and was at that time let on a weekly basis. Further, the actual rent for any individual property is not in itself conclusive of the NAV in the context of section 48 and section 19(5) of the Act. The NAV is what a hypothetical tenant would pay by way of rent in accordance with section 48, which is not necessarily what any particular tenant is paying. There was no other rental evidence submitted by the Appellant save in relation to an adjacent property (35 Abbey St.) which postdated the valuation date. This evidence, provided on behalf of the Appellant was of no assistance to the Tribunal.

10.4 The Respondent's representative submitted two KRTs. The first related to a property on the same street as the subject and situate approximately 66 metres from the subject with a commencement date of approximately four months prior to the valuation date. It is larger than the subject but the rent per m² (October 2021) was adjusted upwards to establish the NAV for the subject on the 1st day of February 2022. Mr. Sharkey was unable to offer an opinion as to why this adjustment had taken place. The second KRT is for a property on O'Connell St. and was furnished by the Respondent to show the valuation level of €600/m² for properties on that street. At the hearing, the evidence offered by on behalf of the Respondent was that this lease had terminated in August 2021, but it was clarified following the hearing that the term was in fact 4 years and 11 months rather than 4 years. The KRT evidence was of no assistance to the Tribunal in considering whether or not the Appellant has discharged the onus of proof in relation to the subject.

10.5 In relation to rental evidence generally and notwithstanding that the Respondent's representative did say that Tailte gathered rental evidence available in or around the valuation date from various sources including the rate payers, only 1 KRT for Abbey St. was made available by the Respondent. However, there was a consensus on the part of both representatives that in relation to Abbey St., because the properties there were mainly owner occupied, there was a dearth of rental evidence available. In a situation where there is very little rental evidence, the Tribunal must look to the NAV comparisons to ascertain whether what is known "the tone of the list" or an emerging tone has been established.

10.6 The Tribunal finds that the NAV comparisons submitted by the Appellant's representative are not comparable to the subject. In relation to the Appellant's NAV 1-6, the Tribunal accepts the

Respondent's rationale for a lower valuation level for these due to significantly lower profiles, and being in less dominant locations compared to the subject as outlined by the Respondent's representative in evidence. In relation to Nav 7 and 8, it is a fact that these properties are much larger than the subject and in respect of NAV 8, the valuation that the Appellant's representative referred to of €19,780 related to the ground floor retail areas only and is in a superior location to the subject.

10.7 The Tribunal noted the Respondent valuer's evidence that there are thirty-one retail properties on Abbey St. which are valued at €450/m² (Zone A), that of these, five were appealed, one of which sought an end allowance for condition without challenging the Zone A level (VA23-5-1334), while another related specifically to a subdivision of the ground level and upper floors (VA23-5-1325). The Respondent's NAV comparisons were 30 Abbey Street (PN1210076), 32 Abbey Street, (PN 1209229), 25 Abbey Street (PN 1210072) and 16 Abbey Street (PN 1210091) all of which were valued at €450/m² Zone A.

10.8 As regards alleged sewerage issues, there was no independent expert evidence in relation to the difficulties alleged by the Appellant's representative and which she said resulted in the subject not being suitable for food and beverage use or by a hairdresser. The evidence given by the Appellant's representative was on the basis of information she had been given by the Appellant.

10.9 As regards alleged traffic congestion in or around the location of the subject, the evidence given in relation to serious traffic difficulties in the vicinity of the subject was anecdotal only with both representatives having had a different experience of traffic conditions when in Ennis.

10.10 The evidence given in relation to the Abbey St carpark as regards whether the through road facilitated movement away from the location of the subject or future plans regarding its redevelopment, was speculative and no weight can be attached to it.

10.11 No weight can be attached to the Appellant's submissions in relation to the public realm spend in other retail areas of Ennis in contrast to the subject.

10.12 The Tribunal finds therefore that the NAV comparisons submitted by the Respondent's valuer show that there is a clear established tone of the list for Abbey Street and that the Appellant's submissions as regards sewerage issues, traffic congestion, the importance or otherwise of the Abbey St. car park or the alleged lack of public realm investment on the infrastructure on Abbey St., cannot displace that tone. Further and for the same reason, and notwithstanding the analysis on an overall basis conducted by the Appellant, the Appellant has not shown that the Zone A approach to the valuation of the subject at a level of €450/m² and for the store at a level of €45/m², is incorrect.

10.13 In relation to the Appellant's submission that an allowance should be made for the sloping floor, there was no evidence put forward to support a finding that this was a unique and differentiating character of the subject in comparison to other properties on the list. The evidence

of the Appellant's representative was also that she could find no evidence of discounts or loadings applied at Revaluation to account for the differences in configuration of the retail units and differences in the frontage to depth ratios which is addressed further also in the next paragraph.

10.14 In relation to the Appellant's submission that because of the shallow nature of the subject, a discount should be applied in accordance with the SCSi Retail Zoning Guidelines, it was agreed by the parties at the commencement of the hearing that the frontage/depth measurements were 4:34 to 5.94 resulting in a ratio, agreed at the hearing of 1:1:37. The subject therefore does come within the recommendation in the said Guidelines for a further discount to be applied for properties with a frontage to depth ratio of less than 1:2. Nevertheless, the Appellant's representative offered no evidence of discounts in Ennis for shallow units and many of the Respondent's comparable properties were of similar size to the subject. The Tribunal was not convinced by the argument offered by the Appellant's representative.

10.15 The Respondent's NAV comparisons for agreed or non-contested NAVs, two of which, Nos. 30 and 32 Abbey St., are immediately adjacent to the subject, 33 Abbey Street, provided clear evidence that the tone of the list for Abbey Street, Ennis, was established at €450/m² Zone A.

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.