

**Appeal No: VA23/5/0968**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**CLARKES SUPERVALU BARNA**

**APPELLANT**

**and**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2172216, Retail (Shops) at Clarkes SuperValu, Barna Village Centre, Barna, County Galway.

**B E F O R E**

**Mr Hugh Markey –FRICS, FSCSI**

**Deputy Chairperson**

**Ms Orla Coyne - Solicitor**

**Member**

**Mr Paul McElearney – FRICS, FSCSI, FCI Arb**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 3<sup>RD</sup> DAY OF DECEMBER 2025**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 19<sup>th</sup> 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 €148,300.

1.2 The sole ground 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: “*The Valuation is Incorrect*

*The valuation is excessive and inequitable. The valuation does not achieve correctness of value and equity and uniformity of value between comparable properties on the list as required under the valuation acts. The valuation is excessive in comparison with the valuations of comparable properties on the Valuation List.”*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €105,088.

## **2. REVALUATION HISTORY**

2.1 On the 25<sup>th</sup> day of May 2023, 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 €85,000.

2.2 A Final Valuation Certificate issued on the 15<sup>th</sup> day of September 2023, stating a valuation of €148,300.

2.3 The date by reference to which the value of the property, the subject of this appeal, was determined is the 1<sup>st</sup> day of February 2022.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 27<sup>th</sup> day of August, 2024. At the hearing, the Appellant was represented by Mr Liam Cahill, MSCSI, MRICS of O'Toole & Co 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 made an affirmation, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

#### **4. FACTS**

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

4.2 The subject supermarket occupies the ground floor of a modern part two/three storey development which is situated in the centre of Barna village, some 8km west of Galway City. The development partially fronts onto the village's main street, the R336, which serves the villages of Barna, Spiddal, Inverin and Carraroe, and joins the N59 national secondary road at Maam Cross towards Moycullen, Oughterard and Clifden. The development is mixed-use, with commercial–retail units at ground–street level, and the upper floors over the supermarket are laid out as apartments, each with independent access via several separate entrances at street level.

4.3 The ground floor supermarket trades as SuperValu and is similar to many such outlets, stocking an extensive range of goods, with a bakery, off-licence and ATM. The off-licence is located in a separate retail unit with dual access into the supermarket and directly from the street. The supermarket's storage area and offices are also located on the ground floor to the rear, with access to and from a small delivery yard.

4.4 Located to the side and rear of the supermarket block is a car park which is shared with the adjoining retail–commercial premises and overhead apartments. The supermarket lacks a dedicated service yard capable of handling large truck deliveries.

4.5 During the course of the hearing, it became evident that the valuers disagreed on the breakdown of the supermarket's floor area. The Deputy Chairperson directed the valuers to agree and confirm the breakdown of the supermarket's floor areas post the hearing. Mr Power, by email dated 17th September 2024, copied to Mr Cahill, confirmed agreement in respect of the following floor areas.

## Summary of Agreed Floor Areas.

<b>Level</b>	<b>Use</b>	<b>Area SQ.M</b>
Ground	Supermarket	1,078.97
Ground	Offices	125.34
Ground	Stores	212.30
Ground	Cold Room	64.01
Ground	Portacabin	25.08
<b>Total</b>		<b>*1505.7</b>
	* Total area includes the Portacabin of 25.08 sq. m or 1,480.62sq.m with the portacabin area deducted.	

## 5. ISSUES

**5.1** The issue to be determined is one of Quantum. The Appellant states that *“The valuation is excessive and inequitable. The valuation does not achieve correctness of value and equity and uniformity of value between comparable properties on the list as required under the Valuation Acts. The valuation is excessive in comparison with the valuations of comparable properties on the Valuation List”*.

## 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 Mr Liam Cahill BA, MSCSI, MRICS, of O’Toole & Co, The Mall, Westport, Co. Mayo, F28 T381 represented the Appellant.

7.2 Mr Cahill began by providing an amended NAV of €105,088, having undertaken an inspection of the property, reflecting a valuation of €70psm applied to the supermarket and cold room and €35psm to the balance of the offices, stores and portacabin with additional items for fitout and off licence, which reduced his opinion of NAV from the €107,100 as provided in his Précis of Evidence dated 24<sup>th</sup> June 2024 to €105,088.

7.3 Mr Cahill opined that several factors affected the subject property, which needed to be considered when assessing the NAV.

- I. That Barna is not directly comparable to the larger population centres in Galway such as Tuam, Ballinasloe & Loughrea or the likes of Oranmore or Claregalway which benefit from direct access off the motorway network, the N18 or M6 or such as Oranmore and Claregalway which are closer to Galway with larger population centres. (Oranmore 2.5 times the population of Barna).
- II. It is accepted that the valuation of a supermarket is calculated using the floor areas and applying a rate per square metre, differentiating between the supermarket's floor area and that of ancillary stores, offices, and cold rooms, which are discounted. Additions are made to reflect supermarket fit-out, which generally ranges between 2% and 3%, and a further 15% for off-licence, subject to a maximum addition of €10,000, if applicable.
- III. That in his opinion and having reviewed the valuations for supermarket properties in County Galway local authority area valued as part of REVAL 2023, the most appropriate

comparisons are supermarkets in the size range 500sq.m to 2,500sq.m – similar to that of the subject property.

IV. That his search of the Tailte Eireann website provided detailed information for a number of supermarket properties in this size range, which are located in Co. Galway. The NAV comparisons included and are summarised:

<p>Comparison 1 Tesco, Inverin, Co. Galway.</p>	<p>Total Floor Area 828.17 sq.m NAV:€47,600 Supermarket 828.17sq.m @ €50sq.m - €41,408.50 Additional items. €6,211.27 Total. €47,619.77 NAV. €47,600.00 ➤ Not a new build but an existing supermarket. ➤ 15km west of Barna. ➤ No fitout allowance. ➤ Off licence at 15%</p>
<p>Comparison 2 EuroSpar, Carraroe, Co. Galway.</p>	<p>Total Floor Area 1,172.43 sq.m NAV:€52,000 Supermarket 852.97sq.m @€45sq.m -. €38,383.65 Offices (1) 184.33sq.m @€22.50sq.m -. €4,147.43 Stores (1) 135.13sq.m @ €22.50sq.m -. €3,040.43 Additional items. €6,524.67 Total. €52,096.17 NAV. €52,000.00 ➤ Not a new build, but an existing supermarket. ➤ 35km west of Barna.</p>
<p>Comparison 3 SuperValu, Clifden, Co. Galway.</p>	<p>Total Floor Area 1,895.40 sq.m NAV:€122,600 Supermarket 1,754.40sq.m @€60sq.m - . €105,264.00 Offices (-1) 141.00sq.m @ €30sq.m - . €4,230.00 Additional items. €13,157.92 Total. €122,651.92 RV. €122,600.00 ➤ Modern Purpose-built supermarket, part of a new mixed-use development, town centre location. ➤ Supermarket and stores on the ground level with offices in the basement level. ➤ 75km west of Galway City. ➤ Fitout allowance 3%. ➤ Off licence at 15%. ➤ Common Comparison.</p>

<p>Comparison 4 Lidl Clifden Co. Galway</p>	<p>Total Floor Area 1,450.93 sq.m NAV:€99,000.00 Supermarket 1,450.93 sq.m @€60sq.m -. €87,055.80 Additional items. €12,005.11 Total. €99,060.91 NAV. €99,000.00</p> <ul style="list-style-type: none"> <li>➤ Modern purpose-built supermarket,</li> <li>➤ 75km west of Galway City.</li> <li>➤ Fitout allowance 2.3%.</li> <li>➤ Off licence at €10,000.</li> </ul>
<p>Comparison 5 Aldi Clifden Co. Galway</p>	<p>Total Floor Area 1,445.82 sq.m NAV:€99,300.00 Supermarket 1,445.82 sq.m @ €60sq.m -. €86,749.20 Additional items. €12,602.48 Total. €99,351,68 NAV. €99,300.00</p> <ul style="list-style-type: none"> <li>➤ Modern purpose-built supermarket,</li> <li>➤ 75km west of Galway City.</li> <li>➤ Fitout allowance 3%.</li> <li>➤ Off licence at €10,000.</li> </ul>
<p>Comparison 6 Lidl Gort Co. Galway</p>	<p>Total Floor Area 1,703.68 sq.m NAV:€115,200.00 Supermarket 1,703.68 sq.m @ €60sq.m -. €102,220.80 Additional items. €13,066.62 Total. €115,287.42 NAV. €115,200.00</p> <ul style="list-style-type: none"> <li>➤ Modern purpose-built supermarket,</li> <li>➤ Can be accessed from the M18 Motorway.</li> <li>➤ Fitout allowance 3%.</li> <li>➤ Off licence at €10,000.</li> </ul>
<p>Comparison 7 Minihane's SuperValu Gort Co. Galway</p>	<p>Total Floor Area 1,525.42 sq.m NAV:€99,900.00 Supermarket 1,385.07 sq.m @ €60sq.m -. €83,104.20 Offices (1) 140.35 sq.m @ €30 sq.m - €4,210.50 Additional items. €11,662.08 Total. €99,976.78 NAV. €99,900.00</p> <ul style="list-style-type: none"> <li>➤ Modern purpose-built supermarket,</li> <li>➤ Can be accessed from the M18 Motorway.</li> <li>➤ Fitout allowance 2%.</li> <li>➤ Off licence at €10,000.</li> </ul>

Comparison 8 Aldi, Ballinasloe, Co. Galway.	Total Floor Area 1,621.15 sq.m NAV:€124,900.00 Supermarket 1,590.09 sq.m @€70sq.m -. €111,306.30 Canopy 31.06 sq.m @ €10.50 €326.13 Additional items. €13,348.97 Total. €124,981.40 NAV. €124,900.00 ➤ Modern purpose-built supermarket, ➤ It can be accessed from the M6 Motorway. ➤ Fitout allowance 3%. ➤ Off licence at €10,000.
Comparison 9 O'Toole's SuperValu, Tuam, Co. Galway.	Total Floor Area 1,478.54 sq.m NAV:€116,500.00 Supermarket 1,478.54 sq.m @ €70sq.m -. €103,497.80 Additional items. €13,102.00 Total. €116,599.80 NAV. €116,500.00 ➤ Modern purpose-built supermarket, ➤ This Town Centre Location can be accessed from the M17 motorway. ➤ Fitout allowance 3%. ➤ Off licence at €10,000.
Comparison 10 Aldi Loughrea Co. Galway	Total Floor Area 1,693 sq.m NAV:€138,800.00 Supermarket 1,693.00 sq.m @€70sq.m -. €118,510.00 Dock leveller 1 €2,000.00 Additional items. €18,295.70 Total. €138,805.70 NAV. €138,800.00 ➤ Modern purpose-built supermarket, ➤ Fitout allowance 7%. ➤ Off licence at €10,000.

#### Summary of Mr Cahill's NAV Comparisons

Comparison No.	Total Floor Area sq.m	NAV € / sq.m
1. Tesco Inverin	828.17	€50
2. EuroSpar Carraroe	1,172.43	€45
3. SuperValu Clifden	1,895.40	€60
4. Lidl Clifden	1,450.93	€60
5. Aldi Clifden	1,445.82	€60
6. Lidl Gort	1,703.68	€60
7. SuperValu Gort	1,525.42	€60
8. Aldi Ballinasloe	1,621.15	€70
9. SuperValu Tuam	1,478.54	€70
10. Aldi Loughrea	1,693	€70

7.4 That while supermarkets in Oranmore and Claregalway were valued at €90 per sq.m. Mr Cahill confirmed that he had disregarded these supermarket locations as they are accessible from the motorway network and/or national primary roads and are located in larger population centres, and consequently they were not directly comparable, in his opinion.

7.5 That the supermarket did not have a dedicated service yard capable of handling large delivery trucks, and that the car parking was shared with the adjoining commercial outlets and apartment occupiers.

7.6 That the three rear shops have been incorporated into the supermarket and are used as the off-licence, stores, and offices.

7.7 That the supermarkets located west of Galway – towards Clifden serve a lower population base in comparison to the larger towns with higher catchments in the greater Galway hinterland e.g. Tuam, Ballinasloe & Loughrea or the likes of Oranmore and Claregalway. Mr Cahill referred to Census 2022 data from page 37 of his Précis, citing:-

Census Town Name	Population Census 2022
Barna	2,366
Ballinasloe	6,597
Clifden	1,259
Galway	85,910
Loughrea	6,322
Oranmore	5,819
Tuam	9,647

7.8 The Appellant offered the following NAV valuation, which he believed was reflective of the tone from similar-sized supermarkets located in Co. Galway with similar or smaller populations to that of Barna. He applied a rate of € 70 per sq. m to the supermarket off licence and cold room, and a discounted rate of € 35 per sq. m to the stores, offices, and portacabin, with additional items reflecting fitout and off licence.

This resulted in a NAV as in the table below:-

Item	Area Sq. M	€ Per Sq. M	Total NAV
Supermarket, Off-licence	1,078.97	€70	€75,528
Cold Room	64.01	€70	€4,481
Stores, Offices, Portacabin	365.72	€35	€12,695
Additional Items:- Fitout, Off-licence			€12,279
Total NAV	1,505.7		€105,088

7.9 Under cross-examination by Mr Power, Mr Cahill disagreed that Barna was directly comparable to Oranmore or Claregalway, citing the difference in population and motorway access. He accepted that Barna was closer to Galway City than Oranmore but disputed that it was a suburb of Galway. He expressed the opinion that the population decreased the further west towards Clifden and away from Galway city, and that the populations centres were limited, in comparison to the town and population centres which lay to the north, east and south of Galway city such as Tuam, Ballinasloe & Loughrea or the likes of Oranmore and Claregalway and that the 2022 census data confirms this fact. In response to questions from the Tribunal, Mr Cahill confirmed that, while the supermarket is separated from the off-licence and storage-office areas by a structural wall, he could not confirm whether this was the case with respect to his comparables, as he had not undertaken a detailed inspection of these properties. Mr Cahill accepted that in many of his comparisons, the storage-office accommodation was located on different floor levels to the supermarket.

## **8. RESPONDENT'S CASE**

8.1 The Respondent was represented by Mr Ian Power B.Sc. (Hons), of Taité Eireann.

8.2 Mr. Power opined the following:-

- i. That the subject property had been valued in accordance with Section 48 of the Valuation Act 2001 as amended, and the valuation order made for the Galway County Council area.

- ii. That the subject property is a purpose-built supermarket and is valued as such. The valuation is in line with other equivalent properties, which are in similar areas throughout the Galway County Council area.
- iii. That the supermarket is situated in the centre of Barna village, which is located 8km west of Galway City, off the R336, which is the coast road heading west out of Galway City. Knocknacarra, which is a prominent suburb of Galway, is located to the east, and the centre of Salthill is 6km away. Barna is well served by several bus routes, which provide a regular service to Galway City and various other locations. Barna has a number of amenities, including shops, pubs, restaurants, and cafes, as well as a large, modern hotel. Tourists boost the local population during the holiday season.
- iv. That Barna is a busy village located on the outskirts of Galway City. Barna is regarded as a satellite village of the city, and the surrounding areas have a significantly large population. Barna is located at the gateway to Gaeltacht na Gaillimhe (Galway Gaeltacht), the country's single largest Gaeltacht. Barna has a unique character, thanks to its fishing and Gaeltacht heritage and its attractive seaside location near Galway City. In recent years, Barna has experienced significant growth in and around the town's core area, due to its proximity to Galway City.
- v. That, in his opinion, Barna is a superior location in terms of retail activity than the locations cited by Mr Cahill. Following the revaluation of Galway County Council, the highest retail Zone A level applied to various towns/villages in Galway is as follows:
  - a. Ballinasloe €200 Zone A
  - b. Loughrea €230 Zone A.
  - c. Oranmore €300 Zone A.
  - d. Athenry €220 Zone A.
  - e. Gort €180 Zone A.
  - f. Clifden €240 Zone A.
  - g. Claregalway:- €300 Zone A
  - h. Barna € 320 Zone A
  - i. Spiddall €140 Zone A
  - j. Carraroe /Rosscahill €120 Zone A.
  - k. Tuam €240 Retail Zone A

- vi. Some of the comparisons cited by the agent are not located in the most valuable part of the towns. In Barna Village Centre, the level applied is €320 psm zone A. The level applied to retail units in Oranmore is €300 psm zone A.
- vii. The subject property is a large purpose-built supermarket finished to a modern specification throughout and encompasses retail to the front and side elevation. There is storage towards the rear of the property as well as an office/canteen area. There is a large amount of customer parking available at the front, sides, and rear of the property.
- viii. The supermarket is in good condition and comprises 1,480.61 sq.m of supermarket and stores with a further 25 sqm provided by a portacabin.
- ix. That Mr Cahill appears to have accepted the general scheme of valuation in relation to similar-sized supermarkets. No rental transactions have been used to support his valuation opinion, and he does not have an issue with the level applied relative to other specific supermarkets.
- x. That populations do not define the economic value of a town, and it appears that Mr Cahill has based his view on this.

8.3 That the seven supermarket comparables provided support for the NAV applied to the subject supermarket, and summarised by the Respondent as follows:-

NAV Comparison 1 Tesco Ireland Ltd, Tesco Shopping Centre, Oranmore, Co. Galway.	Total Floor Area 4,453.98 sq.m NAV:€390,000 Supermarket 3,836.5sq.m @ €90sq.m - . €345,285.00 Offices (1) 617.48sq.m @ €45sq.m - . €27,786.60 Additional items. €17,673.40 Total. €390,745.00 NAV. €390,000.00  ➤ Purpose-built supermarket. ➤ 400 plus car spaces. ➤ Located in Oranmore, 11km from Galway City.
NAV Comparison 2 Aldi Ireland Ltd Innplot, Oranmore Co Galway	Total Floor Area 1,634.1 sq.m NAV:€170,100. Supermarket 1,634.1sq.m @ €90sq.m - €147,069.00 Canopy 208sq.m @ €13.50sq.m - €2,808.00 Additional items. €20,294.83 Total. €170,171.83 RV. €170,100.00  ➤ Purpose-built supermarket. ➤ Dedicated supermarket car park. ➤ Located in Oranmore 11km from Galway.

<p>NAV Comparison 3 Tesco Ireland Ltd, Oranmore Shopping Centre, Oranmore, Co. Galway.</p>	<p>Total Floor Area 1,763.84 sq.m NAV:€161,900 Supermarket 1,492.54sq.m @ €90sq.m - €134,328.60 Offices (1) 85.5sq.m @ €45sq.m - €3,847.50 Store (1) 185.5sq.m @ €45sq.m - €8,361.00 Additional items €15,373.14 Total €161,910.24 NAV €161,900.00</p> <ul style="list-style-type: none"> <li>➤ Purpose-built supermarket part of shopping centre with 17 other retail units.</li> <li>➤ Formerly Joyce's Supervalu supermarket.</li> <li>➤ On-site car parking.</li> <li>➤ Located in Oranmore, 11km from Galway City.</li> </ul>
<p>NAV Comparison 4 Tesco Ireland Ltd, Dunlo Town Centre, Ballinsloe, Co. Galway.</p>	<p>Total Floor Area 6,161.26 sq.m NAV:€456,000 Supermarket 6161.26sq.m @ €70sq.m - €431,288.20 Canopy 177.63sq.m @ €10.50sq.m - €1,865.12 Additional items. €22,994.60 Total. €456,147.92 NAV. €456,000.00</p> <ul style="list-style-type: none"> <li>➤ Purpose-built supermarket, café /restaurant, offices, store, plantroom, chillroom and freezer.</li> <li>➤ 432 plus car spaces.</li> <li>➤ Located outside the town centre.</li> </ul>
<p>NAV Comparison 5 SuperValu Clifden, Post Office Street, Clifden Co. Galway.</p>	<p>Total Floor Area 1,895.4 sq.m NAV:€122,600 Supermarket 1,754.4sq.m @ €60sq.m - €105,264.00 Offices (-1) 114sq.m @ €30sq.m - €4,230.00 Additional items. €13,157.92 Total. €122,651.92 NAV. €122,600.00</p> <ul style="list-style-type: none"> <li>➤ Purpose-built supermarket located in the town centre.</li> <li>➤ Retail and storage on the ground floor with ancillary areas located in the basement.</li> <li>➤ Common Comparison.</li> </ul>
<p>NAV Comparison 6 Lidl Ireland GMBH Galway Road, Tuam, Co. Galway.</p>	<p>Total Floor Area 2,466.5 sq.m NAV:€194,700 Supermarket 2,466.5sq.m @ €70sq.m - €172,655.00 Additional items. €22,085.85 Total. €194,740.85 NAV. €194,700.00</p> <ul style="list-style-type: none"> <li>➤ Purpose-built supermarket,</li> <li>➤ Lidl car park</li> <li>➤ Located outside the town centre.</li> </ul>

NAV Comparison 7 Hughes SuperValu, Claregalway Shopping Centre, Claregalway, Co. Galway.	Total Floor Area 2,517.93 sq.m NAV:€224,000 Supermarket 2,161,53sq.m @ €90sq.m - €194,537.70 Offices 121.3sq.m @ €45sq.m - €5,458.50 Store235.1sq.m @ €45sq.m €10,579.50 Additional items. €13,980.75 Total. €224,556.45 NAV. €224,000.00
	<ul style="list-style-type: none"> <li>➤ Under appeal and not considered at the hearing for reference purposes only.</li> <li>➤ Purpose-built supermarket.- two-storey comprising supermarket, stores, offices, and cold-rooms.</li> <li>➤ Located 11km from Galway City.</li> </ul>

Summary of Mr Power’s NAV Comparisons

Comparison No	Total Floor Area sq.m	NAV € SQ.M
1. Tesco Oranmore	4,453.89	€90
2. Aldi Oranmore	1,634.1	€90
3. Tesco Oranmore (formerly Joyce’s)	1,763.84	€90
4. Tesco Ballinasloe	6,161.26	€70
5. SuperValu Clifden	1,895.4	€60
6. Lidl Tuam	2,466.5	€70
7. Hughes SuperValu Claregalway ( under appeal)	2,517.93	€90

8.4 Even though they cannot be used as direct comparisons, there are seven supermarkets located between Barna and Galway City Centre. They are all located within a 7km radius. The nearest supermarket to the west of the development is 21km away in Inverin.

8.5 Mr Cahill has not supplied any comparisons that are in Oranmore, which is similarly located to Barna.

8.6 In summation, considering the comparisons cited by both the Appellant and the Respondent, the NAV levels applied are correct and that the correct NAV for this property is €148,300. The valuation is arrived at on the following basis:

Use	Area sq.m	NAV per sq.m	NAV
Supermarket	1,480.61	€90	€133,254.90
Portacabin Store	25	€45	€1,125.00
Off Licence			€10,000.00
Fit Out Allowance 3%			€3,997.65
Total NAV			€148,377.55
NAV Say			€148,300.00

8.7 Mr Power confirmed that the property had been valued in accordance with sections 48 and 19(5) of the Valuation Act.

8.8 Under cross-examination by Mr Cahill, Mr Power, in his responses, confirmed that it was his opinion that Barna is regarded as a satellite village to Galway city. There is a significant population base in the surrounding areas that Barna serves; furthermore, a supermarket's proximity to a population centre with a hinterland is more relevant to generating sales than access to the motorway network. He further noted that the Zone A rent analysis derived from the Galway County Council revaluation indicates that Barna has the highest Zone A level, with a Zone A rate of €320 psm, which supports his contention that Barna is a better retail location than Mr Cahill's other NAV comparisons. Mr Power contended that it was not unusual for a proposed valuation certificate valuation to be increased during the revaluation process.

8.9 In response to questions from the Tribunal, Mr Power acknowledged that the car parking at the subject location is shared with other users – apartments and other retail - commercial customers, which could constrain availability. While supermarkets have different size bands, a uniform approach rate was applied and supported by the comparable evidence introduced. He contended that no evidence had been introduced that differentiated between ground floor supermarket uses or the application of different rents for supermarket retail and storage–office use. Where the accommodation is located on different floors, then different rates are applicable, as evidenced from the NAV comparables.

8.10 Both Mr Cahill and Mr Power provided brief summations which confirmed their contentions and opinions of NAV as set out above.

## **9. SUBMISSIONS**

9.1 There were no legal submissions by either party.

## **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 and equitable, 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 Galway County Council

10.2 Both parties have agreed on the floor area of the subject at 1,505.7 sq.m, which the Tribunal has adopted in making its determination.

10.3 The Tribunal notes that the parties agreed that the subject supermarket is located on the ground floor of a modern purpose built development with apartments overhead and shares the development with other retail – commercial uses at ground floor level which are located in adjoining blocks, with all occupants sharing the use of the developments car park situated to the side and rear of the subject supermarket. Furthermore, it is acknowledged that the supermarket's accommodation - retail areas, stores, offices, and cold rooms are situated on ground floor level, with deliveries from the rear – side service yard area.

10.4 The Tribunal finds that the most relevant NAV evidence emanates from supermarkets located in the County Galway area, which ranged between 500 sq. m and 2,500 sq. m, as the subject supermarket at an area of 1,505.7 sq. m, sits within this size range. The Tribunal did not consider those NAVs for supermarkets with larger floor areas as being comparable, as they were outside this size range. The valuers presented a total of 13 NAV comparables within the 500 sq. m and 2,500 sq. m size range.

10.5 Mr Cahill and Mr Power submitted the following NAV comparable evidence within the size range, which are summarised:-

Comparison	Total Floor Area sq.m	NAV € sq.m
Tesco Inverin	828.17	€50
EuroSpar Carraroe	1,172.43	€45
Aldi Clifden	1,445.82	€60
Lidl Clifden	1,450.93	€60
SuperValu Tuam	1,478.54	€70
SuperValu Gort	1,525.42	€60
Aldi Ballinasloe	1,621.15	€70
Aldi Oranmore	1,634.1	€90
Aldi Loughrea	1,693	€70
Tesco Oranmore (formerly Joyce's)	1,763.84	€90
Lidl Gort	1,703.68	€60
SuperValu Clifden	1,895.40	€60
Lidl Tuam	2,466.5	€70

10.6 The Tribunal notes that the two supermarkets located in Oranmore (Aldi & Tesco – formerly Joyce's SuperValu) have a NAV of €90 per sq.m, while the remaining 11 comparables range between €45 per sq.m and €70 per sq.m and further notes that the four comparables which are closest in floor area to the subject supermarket (Aldi, Lidl - Clifden, SuperValu Tuam and Gort) have NAVs ranging between €60 and €70 per sq. m. The Tribunal finds this evidence compelling.

10.7 The Tribunal accepts that evidence was provided which confirmed that different valuation rates were being adopted where the storage and office accommodation were located on various floor levels.

10.8 The Tribunal notes that the supermarket incorporates off-licence, cold room, storage and office accommodation, all of which are located on a single level – being ground floor in this instance. The Tribunal further notes that no evidence was introduced by the Appellant in support of his contention that the part of the subject supermarket being used for storage and office

accommodation purposes should be valued at a reduced rate to that of the supermarket where the accommodation is located on the same level as the supermarket. The Tribunal accepts that evidence was provided confirming that different valuation rates were being applied to storage and office accommodation situated at various floor levels, as opposed to those of the supermarket. As all accommodation is located on a single level, the Tribunal finds that a reduced rate should not be applied to the storage or office accommodation areas.

10.9 The Tribunal has adopted the 3% fitout allowance and the €10,000 applied in respect of the off-licence, as agreed by the parties.

10.10 Having considered the totality of the written and oral evidence presented to it by both parties, the Tribunal believes that the NAV rate of €90 per sq. m. applied by the Respondent to the supermarket area of 1,480.61 sq. m is excessive, having regard to the subject supermarket's location and the NAV tone for similar-sized supermarkets located in the County Galway area. The Tribunal adopts a rate of €70 per sq. m. for the supermarket area, in line with the evidence. The Tribunal accepts the rate of €45 per sq. m. applied to the portacabin as appropriate.

#### **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of the Property as stated in the valuation certificate to €117,800.00.

<b>Use</b>	<b>Size SQ.M</b>	<b>NAV per sq.m</b>	<b>NAV</b>
Supermarket	1,480.60	€70	€103,642.00
Portacabin	25.08	€45	€1,128.60
Off licence			€10,000.00
Fitout Allowance	3%		€3,109.26
<b>Total</b>			<b>€117,879.86</b>
<b>Say</b>			<b>€117,800.00</b>

**NAV €117,800**

**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.