

**Appeal No: VS21/6/0004**

**VALUATION TRIBUNAL  
AN BINSE LUACHÁLA**

**URBAN REGENERATION AND HOUSING ACT, 2015  
AN tACHT UM ATHBHEOCHAN UIRBEACH AGUS TITHE 2015**

**DRAGMARA LTD**

**APPELLANT**

**AND**

**GALWAY CITY COUNCIL**

**RESPONDENT**

**In relation to the market valuation of Lands West of Bóthar Stiofán, Knocknacarra, Galway City, (REF 021 West), County Galway.**

**TRIBUNAL**

**Hugh Markey - FSCSI, FRICS**

**Deputy Chairperson**

**Barra McCabe - BL, MRICS, MSCSI**

**Deputy Chairperson**

**Liam Daly - FSCSI, FRICS**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 10<sup>TH</sup> DAY OF DECEMBER 2025**

**Appearances**

**For the Appellant: Ms. Clodagh Gallagher, Mr. Fergal Leonard MIPAV TRV MMCEPI (Valuer) of DNG**

**For the Respondent: Mr. Shane McDonagh B.Sc. MIPAV, TRV, Assoc MRICS MSCSI (Valuer) of O' Donnellan & Joyce, Ms. Helen Coleman & Mr. James Russell from Galway City Council (observation capacity only)**

**THE APPEAL**

1. On the 2<sup>nd</sup> of June 2021 a copy of Notice of Valuation issued in accordance with section 12 of the Urban Regeneration and Housing Act, 2015 Act ('the Act') was sent to the Appellant indicating a market value of €500,000 in respect of the vacant site situated at Lands West of Bóthar Stiofán,

Knocknacarra, Galway City, (REF 021 West), County Galway (hereinafter referred to as 'the Vacant Site').

1.1. The date by reference to which the value of the Vacant Site was determined by the Respondent planning authority is the 31<sup>st</sup> of December 2019.

1.2. By Notice of Appeal received on the 25<sup>th</sup> of June 2021 the Appellant appealed against the Respondent's determination of value. The ground(s) of appeal as set out in the Notice of Appeal is that the determination of the valuation of the derelict site is incorrect because: *"Site was acquired (sic) for full market value, Copy of Deed attached."*

1.3. The Appellant considers that the market value of the Vacant Site ought to have been determined in the sum of €324,625.

## **THE HEARING**

2. The appeal proceeded by way of a remote hearing held via Zoom platform, on the 26<sup>th</sup> of April 2024.

2.1. In accordance with the Valuation Tribunal (Appeals) Rules 2019 the parties' valuers exchanged their respective valuation reports prior to the hearing and submitted them to the Tribunal. At the hearing, each witness, having made an affirmation, adopted their valuation report as their evidence-in-chief in addition to giving oral evidence.

## **RELEVANT STATUTORY PROVISIONS**

3. A planning authority is required by s.12 of the Act to determine, as soon as may be, after a vacant site has been entered on the register of vacant sites maintained under s.6 of the Act, and at least once every 3 years thereafter, the market value of the unencumbered fee simple of a vacant site if it was sold on the open market on the date of the determination. In that regard, a

planning authority must authorise a person it considers suitably qualified for that purpose to inspect the site and report to it on the site's value.

3.1. Under s.3 of the Act the 'market value' of a vacant site is to be construed in accordance with s.12 which requires the market value to be determined

*"by estimating or causing to be estimated the price which the unencumbered fee simple of such site would fetch if it was sold on the open market on the date of the determination in such manner and in such conditions as might reasonably be calculated to obtain for the vendor the best market price for the site."*

3.2. Under s. 14 of the Act the Tribunal may, where it considers it appropriate in all the circumstances, deem that a vacant site has a zero-market value, in particular where:

1. no market exists for the site, or
2. the site is situated on contaminated lands and the estimated costs of remedial works necessary in order to use or develop the site exceed the market value of the site itself.

## **THE FACTS**

4. On the basis of the evidence adduced by the parties, the following facts, in respect of the physical condition of the Vacant Site, were agreed or proved to the satisfaction of the Tribunal:

4.1 The Vacant Site is located just west of Bóthar Stiofáin, off the Western Distributor Road, in the residential and commercial suburb of Old Ragoon, Galway

4.2 The Vacant Site extends to 0.17 hectares / 0.4201 acres.

4.3 The lands are zoned R1 according to Galway City Development Plan 2017-2023.

4.4 The history is that after the Vacant Site, along with two neighbouring plots of land, were brought to the market in November 2016, it became apparent the Vacant Site did not have good title, and it was subsequently withdrawn from the market.

- 4.5 The Vacant Site had been effectively land-locked owing to the fact that the surrounding land was owned by a different party who would not grant an easement to any of the Appellant's predecessors in title. However, the Appellant subsequently purchased the adjacent lands after the date on which the Vacant Site was valued.
- 4.6 After the Vacant Site had been off the market for approximately two years, the Appellant purchased the Vacant Site, in December 2019, for €324,625 plus Vat.
- 4.7 Following the purchase of the Vacant Site, the Appellant lodged a planning application on 27 March 2020. A notice of refusal was issued on 16 October 2020, which was appealed to An Bord Pleanála and the Respondent's decision to refuse planning permission was upheld. The last planning application reference 21/233 was lodged on 9 July 2021, with a decision to grant full planning permission issued on 19 December 2021.

#### **APPELLANT'S CASE**

5. The Appellant's Valuer provided a valuation report relying on a valuation of €324,625. The valuation was based on the purchase price the Appellant paid for the Vacant Site and the circumstances attaching to the site on the date the site was valued on the 31 December 2019.

#### **RESPONDENT'S CASE**

6. The Respondent's Valuer provided a valuation report that provided for a valuation of €500,000. However, it transpired during the giving of oral evidence that Respondent's Valuer was not aware of the full factual circumstances attaching to the Vacant Site on the date it was valued. As a result, the Respondent's Valuer revised his opinion of value and subsequently concurred with the valuation of the Appellant's Valuer.

## **FINDINGS AND CONCLUSIONS**

7. On this appeal the Tribunal is required to determine the market value of the Vacant Site in accordance with s.3 of the Act which is to be construed in accordance with s.12 of the Act as of 31 December 2019.

7.1 As both sets of Valuers concurred on the valuation of the Vacant Site the Tribunal finds that no further explanation or reasoning is required.

### **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal allows the appeal and determines that the market value of the Derelict Site falls to be amended to three hundred and twenty-four thousand, six hundred and twenty-five euro or €324,625, as of the valuation date.

### **RIGHT OF APPEAL:**

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.