

**Appeal No: VA23/5/0784**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**DUNNES STORES**

**APPELLANT**

**AND**

**TAILTE ÉIREANN**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2167544, Miscellaneous at New Street Lower, Killarney, County Kerry.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 30<sup>TH</sup> DAY OF APRIL 2026**

**BEFORE:**

**Barra McCabe BL, MRICS, MSCSI**

**Deputy Chairperson**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 18<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 €43,200.

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*

*“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 the fact that Dunnes Stores customers have 2 hours free parking and parking located at most other department stores do not have separate valuations, as previously detailed to the Tailte Eireann, through the Representations stage. 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 Property ought to have been determined in the sum of €2,000. In the Appellant’s précis, this sum was increased to €10,600.

## **2. RE-VALUATION HISTORY**

2.1 On the 23<sup>rd</sup> 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 €43,200.

2.2 A Final Valuation Certificate issued on the 15<sup>th</sup> day of September 2023 stating a valuation of €43,200.

2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 01<sup>st</sup> day of February 2022.

## **3. DOCUMENT BASED APPEAL**

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

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

## **4. FACTS**

The parties are agreed as to the following facts:

4.1 The subject property is Property No. 2167544, entered in the valuation list in the Kerry County Council rating area in the category “Miscellaneous” and with the use stated as “Carpark (Surface)”, and the NAV on the list is €43,200.

4.2 The valuation date is 1 February 2022.

4.3 The property is situated to the rear of Dunnes Stores on New Street Lower, Killarney, Co. Kerry.

4.4 The car park may be accessed vehicularly via Bohereen na Goun and there is pedestrian access from Flemmings Lane.

4.5 The subject comprises a surface car park adjoining the Dunnes Stores department store in central Killarney.

4.6 The parties are agreed that the car park contains 160 spaces.

4.7 Parking is operated on a pay and display basis at €1 per hour, subject to a maximum stay of 2 hours, and Dunnes Stores customers can obtain a refund of parking charges on a minimum in store spend of €6.

4.8 The car park is managed or patrolled by Euro Car Parks.

4.9 The appellant's précis states that the car park is not advertised as a public car park, but also acknowledges that it can effectively be used by anyone once they pay and display.

4.10 The Respondent's précis describes the property as being in good condition and well maintained.

4.11 The property is held freehold.

## **5. ISSUES**

5.1 The sole issue for determination is the quantum of the valuation.

5.2 The principal dispute is whether the subject should remain valued at €43,200, being 160 spaces at €270 per space, as contended for by the Respondent, or whether the valuation should be substantially reduced, as contended for by the Appellant.

5.3 A central issue is whether the subject car park should be treated, for valuation purposes, as a standalone surface car park or whether, as the Appellant contends, the value of most or all of the parking should be treated as already reflected in the valuation of the adjoining Dunnes Stores supermarket.

5.4 A further issue is whether the Dunnes Stores customer refund scheme and the Appellant's evidence of net income justify either valuing only 53 of the 160 spaces or otherwise reducing the NAV.

5.5 The final issue is the weight to be attached to the Appellant's selected €200 per space comparisons and supermarket comparisons, as against the Respondent's evidence of other Killarney surface car parks valued at €270 per space.

## **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 contends that the valuation of €43,200 is excessive and does not achieve correctness of value or equity and uniformity of value between comparable properties on the list.

7.2 In the Notice of Appeal, the Appellant stated that the valuation ought to have been €2,000, whereas in the Appellant’s précis the opinion of value advanced is €10,600.

7.3 The Appellant describes the property as a surface car park adjoining the Dunnes Stores department store, containing approximately 160 marked spaces, with vehicular access off Bohereen Na Goun and a pedestrian link to Flemmings Lane.

7.4 The Appellant says the car park operates as pay and display parking at €1 per hour for a maximum stay of 2 hours but is intended for Dunnes Stores customers who can redeem the charge if they spend a minimum of €6 in store.

7.5 The Appellant says the car park is not advertised as a public car park and there is no street signage directing traffic to it, although Ms. Murphy accepts that it can effectively be used by anyone who pays and displays and that, because of its town centre location, there may be demand from the general public.

7.6 The Appellant relies on the existence of approximately 11 car parks comprising some 1,700 spaces available for public use within Killarney town centre and says that the valuation tone for such car parking ranges from €200 to €270 per space without any discernible rationale for the differentiation.

7.7 The Appellant concentrates on three principal surface car park comparisons, each valued at €200 per space, namely Killarney Outlet Centre Car Park, Fair Hill Car Park, and St Annes/High Street Car Park.

7.8 As to Killarney Outlet Centre Car Park, the Appellant says it is operated by Euro Car Parks, charges €1 per hour, is adjacent to a busy outlet centre and bus depot, and no refund is available.

7.9 As to Fair Hill Car Park, the Appellant says it is operated by Kerry County Council, charges €1 per hour or €3 per day, is a similar distance to High Street, is adjacent to the train station, and no refund is available.

7.10 As to St Annes/High Street Car Park, the Appellant says it is operated by Kerry County Council, offers the first two hours free, and is a similar distance from High Street.

7.11 The Appellant further relies on comparisons with other supermarkets in the town, namely Tesco, Lidl and Aldi, and says that the car parking associated with those supermarkets is not subject to a separate valuation, while the Dunnes Stores supermarket itself is valued at €95 per square metre and yet the subject car park is also separately valued.

7.12 In support of that submission, the Appellant relies on an extract from the Tailte Éireann supermarket practice note which states that common car parking facilities serving retail units will be reflected in the passing rent and that only where the building occupier occupies car spaces at a physically separate location will they be valued as a separate relevant property.

7.13 The Appellant also advances a turnover based argument and says that, on average, 67% of the parking fees collected are refunded to customers, leaving net average income of about €53,000 before deduction of management fees, and that a hypothetical rent of €43,200 would not therefore be viable.

7.14 The Appellant says it is only appropriate to consider net income after Dunnes Stores customers have been refunded because there is an obvious need to provide parking for the supermarket itself and no additional value should be attributed to that element.

7.15 Alternatively, the Appellant submits that, based on the 67% refund rate, only 33% of the spaces should be separately valued, namely 53 spaces, with the remainder assumed to be reflected in the €95 per square metre applied to the Dunnes Stores supermarket.

7.16 On that alternative basis, the Appellant's opinion of value is €10,600, calculated as 53 spaces at €200 per space.

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

8.1 The Respondent's position is that the quantum of the valuation is the only issue for determination.

8.2 The Respondent describes the subject as a surface car park to the rear of Dunnes Stores on New Street, Killarney, with access via Bohereen na Goun and pedestrian access from Flemmings Lane.

8.3 The Respondent says the car park adjoins the Dunnes Stores shopping centre in central Killarney, provides 160 spaces, is managed by Euro Car Parks, and operates at €1 per hour with the fee refunded on a minimum in-store spend of €6 and a maximum stay of 2 hours.

8.4 The Respondent says the car park is well maintained, in good condition, and held freehold.

8.5 In response to the Appellant's comparables, the Respondent says that the Appellant has selectively relied on lower end comparables and that several car parks in Killarney are valued at €270 per space.

8.6 The Respondent says the subject is centrally located and accessible to the public, which justifies the application of €270 per space.

8.7 The Respondent further says that the car park is adjacent to the store but has its own entrance, pay and display system and public access, and is capable of being operated independently of Dunnes Stores.

8.8 The Respondent distinguishes the Appellant's supermarket comparisons on the basis that those car parks are integrated within the supermarket valuation and are situated in peripheral locations, whereas the subject is in the town centre and is publicly accessible.

8.9 As to the Appellant's reliance on the refund scheme, the Respondent says that the refund arrangement is a voluntary commercial strategy adopted by Dunnes Stores to incentivise shopping, is not a market imposed constraint, and would not bind a hypothetical tenant.

8.10 The Respondent rejects the proposal that only 53 spaces should be valued, on the basis that the car park is fully operational and accessible to the public and that the refund scheme does not physically restrict the use or availability of any spaces.

8.11 The Respondent relies on three NAV comparisons in Killarney, all valued at €270 per space, namely Rock Road Carpark, Glebe Car Park and Lower New Street Car Park.

8.12 The Respondent says Rock Road Carpark is a similar surface car park but in an inferior, slightly out of centre location.

8.13 The Respondent says Glebe Car Park is a well located surface car park in Killarney not attached to any retail unit.

8.14 The Respondent says Lower New Street Car Park is a well located surface car park near the subject and is not attached to any retail unit.

8.15 The Respondent's opinion is that the correct NAV is €43,200, calculated as 160 spaces at €270 per space, and it asks the Tribunal to affirm that valuation.

## **9. SUBMISSIONS**

9.1 There were no legal submissions.

## **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 practicable, 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 Kerry County Council.

10.2 The Tribunal is satisfied that the only issue in this appeal is the quantum of the valuation.

10.3 The Tribunal finds that the subject is a centrally located surface car park to the rear of Dunnes Stores in Killarney, with 160 spaces, its own vehicular access off Bohereen na Goun, pedestrian access from Flemmings Lane, and a public pay-and-display system.

10.4 The Tribunal accepts that the Appellant's refund evidence shows that Dunnes Stores operates a commercial scheme under which parking fees are refunded to qualifying customers, but it does not accept that this justifies valuing only 53 of the 160 spaces or reducing the valuation on the basis advanced.

10.5 The Tribunal reaches that conclusion because the Appellant itself accepts that the car park can effectively be used by anyone who pays and displays, and the Respondent's evidence establishes that the refund scheme does not physically restrict the availability or use of the spaces.

10.6 The Tribunal is also not satisfied that the Appellant's supermarket comparisons displace the existing separate valuation of the subject car park.

10.7 The Appellant's own materials show that the supermarket car parks relied upon are treated differently in the valuation list, whereas the subject is separately identified and valued as a surface car park in the town centre with its own access and public parking arrangements.

10.8 The Tribunal accepts the Respondent's submission that the Appellant has selected the lower end of the Killarney car park evidence.

10.9 The Appellant's own table of public car park valuations shows a range of €200 to €270 per space within Killarney town centre, and that evidence does not, in the Tribunal's view, establish why the subject should be placed at the lower end of that range.

10.10 By contrast, the Respondent has identified three surface car park comparisons in Killarney, all valued at €270 per space, including one in close proximity to the subject and another said to be in an inferior location.

10.11 The Tribunal finds those comparisons to be the more persuasive guide to the proper level for the subject, having regard to the subject's central location, public accessibility and physical character as a surface car park.

10.12 Having considered all the evidence contained in the parties' précis, the Tribunal is not satisfied that the Appellant has established that the valuation of €43,200 is excessive or that the correct NAV is €10,600 or €2,000.

10.13 The Tribunal concludes that the correct NAV for the subject property is €43,200, calculated by applying €270 per space to 160 spaces.

**DETERMINATION:**

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the valuation of the Property at €43,200.

The valuation is arrived at on the following basis.

Car Spaces (No. of): 160 at €270 per space = €43,200.

Total NAV: €43,200.

**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.