

**Appeal No: VA23/5/1238**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**ZANKA DEVELOPMENTS LTD**

**APPELLANT**

**and**

**TAILTE EIREANN**

**RESPONDENT**

**In relation to the valuation of**

Property No. 30789, Industrial Uses at Woodlands Industrial Estate Park Road Killarney  
County Kerry.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 22<sup>ND</sup> DAY OF MAY 2026**

**BEFORE**

**Thomas Kearns- B.Sc. (Surv), MRICS**

**Member**

**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 €35,300.

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:

"(a) The Valuation is Incorrect

The majority of the property is derelict mains power disconnected, offices unusable, roof is disintegrating, There is 3 small areas that is dry enough to be used approx 300 m2.

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €8,100.

## **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 €35,300.

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 manager did not consider it appropriate to provide for a lower valuation.

2.3 A Final Valuation Certificate issued on the 15<sup>th</sup> day of September 2023 stating a valuation of €35,300.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1<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**

4.1 The parties are agreed as to the following facts.

4.2 The property is located in the Woodlands Industrial Estate on the outskirts of Killarney in Co Kerry.

4.3 The subject property comprises a single storey former factory building in excess of 50 years old of concrete and steel frame construction with a part corrugated steel sheet roof over the warehouse and flat roof over the original office accommodation.

4.4 A section of the original warehouse/office area has remained vacant for over 20 years and is in very poor repair and condition. Part of the premises occupied by Killarney Auto's as a vehicle repair/workshop is in reasonable condition having regard to its age and use.

4.5 The total gross external floor areas as agreed between the parties is 1,310.02 m<sup>2</sup>.

<b>Level</b>	<b>Use</b>	<b>Area (m<sup>2</sup>)</b>
0	Warehouse	1092.74
0	Offices	217.28
<b>Total Area</b>		1310.02

## **5. ISSUES**

5.1 The quantum of the valuation and rateability of part of the property in disrepair are the two issues for consideration in this appeal.

## **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 Valuation Act 2001 as amended 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 19(5) of the Act as amended provides as follows: The valuation list as referred to in this section shall be drawn up and compiled by reference to relevant market data and other relevant data available on or before the date of issue of the valuation certificates and shall achieve in so far as reasonably practicable (a) correctness of value and (b) equity and uniformity of value between properties on that valuation list.

6.3 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 Kieran Dwyer on behalf of the Appellant states that the majority of the property is derelict and unable to be used.

7.2 Mr Dwyer grounds of appeal is that the valuation is too high and that “the property is not operating as a commercial property except for two small areas that are dry”. These areas are the Valet Bay, approximately 6.5m x 7.5m and the Overflow Mechanical Bay, approximately 6.5 x 21m.

7.3 Mr Dwyer provided photographic evidence to show substantial damage to the buildings roof resulting in major water ingress to the building causing water damage and puddling throughout the property.

7.4 Mr Dwyer seeks that valuation of the property be determined having regard to the area being used commercially which he estimates is approximately 300 m<sup>2</sup> in the Notice of Appeal.

7.5 An inspection and measurement of the subject property on 24<sup>th</sup> July 2025 confirmed the total gross external floor area of the property agreed between the parties is 1,310.02 m<sup>2</sup>.

7.6 The Appellant did not provide any NAV /Tone of the List or Key Rental Transactions comparisons to support his case in this appeal.

7.7 Mr Dwyer seeks a valuation of €8,100 in his Notice of Appeal. This breaks down to an NAV of €27 per sqm using the appellant's estimate of commercially useable of 300 m<sup>2</sup>.

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

8.1 Ms McNally on behalf of the Respondent, described the property and its location using photographs and Location Map contained in her submission. She notes that the subject property is located approximately 1.5km outside Killarney town off the N22. The property is described as being partly maintained with other parts in need of repair including the roof which allows water ingress.

8.2 In response to the Appellant's submission, Ms McNally does not accept that "other parts of the property are derelict due to holes in the roof". Ms Mc Nally states that the presence of unrepaired roof sections does not, of itself indicate dereliction.

8.3 Ms Mc Nally states that Appellant has actively managed and repaired the roof over the Car Valet section of the property which demonstrates ongoing occupation, management and investment in the property. The Respondent contends that the selective repair approach to the building by the Appellant does not amount to dereliction.

8.4 Ms McNally states that after investigating all particulars of the appeal including grounds of appeal and evidence put forward by the Appellant, the correct NAV for the subject property is €35,300 which equates to an NAV rate of €27 per sqm.

8.5 Ms Mc Nally has put forward 3 NAV comparisons as follows:

Property No	Address	NAV psm	NAV (€)	Size (m2)
PN 567639	Killarney Business Pk, Killarney, Co Kerry	€30	€41,300	1305.8
PN 30790	Woodlands Ind Est, Co Kerry	€30	€33,400	1116.51
PN 64951	Ballycasheen, Killarney Co Kerry	€25	€29,800	1195.12

8.6 Ms McNally also refers to market evidence underpinning the valuation scheme and has put forward one Key rental transaction for a Print and Design factory in IDA Business and Technology Park in Killarney as follows:

Property No	Address/Lease Date	NER @ Feb 2022	NER psm @ Feb 22	NAV
PN 31051	Unit 3 IDA Bus/Tech Park, Killarney 1/Jan/2021	€9,500	€33	€10,200

8.7 Ms McNally's opinion of NAV is €35,300, calculated as set out hereunder;

Level	Use	Area (m2)	NAV (per m2)	Total NAV €
0	Warehouse	1092.74	€27	€29,503.98
0	Offices	217.28	€27	€ 5,866.56
<b>Total</b>				€35,370.54
<b>NAV Rounded</b>				€35,300

## 9. SUBMISSIONS

9.1 There were no legal submissions.

## **10. FINDINGS AND CONCLUSIONS**

10.1 On this revision appeal, the Tribunal has to determine the value of the Property so as to achieve, in so far as 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 Co Council.

10.2 The Appellant's case is that the NAV assigned to the subject property is too high and that the valuation of the property be determined having regard to the reduced floor area being used commercially of approximately 300 m<sup>2</sup> and not the total gross floor area of the property of 1,310.02 m<sup>2</sup>.

10.3 The Respondents case is that the valuation is in line with other comparable properties in the Rating Authority and the subject property is not derelict. In addition, the poor repair and lack of maintenance is not a relevant factor in arriving at an estimate of the NAV given that all properties are assumed to be in a reasonable state of repair in accordance with Section 48.3 of the Valuation Act 2001.

10.4 The Respondent has put forward 3 NAV comparisons together with 1 Key Rental transaction for Warehouse units in Killarney Co Kerry. The NAV comparisons confirm a NAV rate of €25 to €30 per sq.m. in Killarney and the key rental transaction has an NER at Feb 2022 of €33 per sq.m. for a modern warehouse premises.

10.5 The Appellant has not provided any NAV or Key Rental Transaction comparisons in this appeal case. The Tribunal finds that the lack of provision of comparable evidence from the Appellant, despite such comparable evidence being available, fails to satisfy the burden of proof in this appeal.

10.6 The Tribunal does not accept the Appellants approach in seeking to restrict the valuation of the property having regard to the reduced floor area "being used commercially" in the subject property, as all properties are assumed to be in a reasonable state of repair in accordance with the Net Annual Value under section 48 of the Valuation Act 2001 (as amended).

10.7 The Tribunal finds the Respondents, NAV Comparisons No 2 (PN 30790) in the Woodlands Ind Estate to be the most helpful evidence in assisting the determination of this matter. This unit is slightly smaller than the subject but is more modern and has a higher NAV rate of €30 per sqm compared to an NAV of €27 per sqm on the subject property.

10.8 The Tribunal finds that in this appeal as in all appeals before the Tribunal, the onus of proof rests with the Appellant. The Appellant has failed to satisfy the burden of proof in this case.

10.9 The Tribunal finds that the Appellant has not been able to demonstrate that the valuation levels of the Respondent in this appeal are incorrect.

## **11. DETERMINATION:**

11.1 Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the NAV of €35,300 submitted by the Respondent in this appeal.

## **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.