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LRB-2024-04

LRB-2024-04 - 23/00775/FLL - Erection of a dwellinghouse and agricultural shed, land 150 metres north east of Meadowside, Middleton, Milnathort

REPRESENTATIONS

Development Management

From: .Box.Assetprotection (National Gas) <box.assetprotection@nationalgas.com>
Sent: 26 May 2023 10:56
To: Development Management
Subject: RE: [EXTERNAL] Planning Application Consultation for Application No 23/00775/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Hi,

Thank you for your email.

Regarding planning application 23/00775/FLL, there are no National Gas Transmission assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Kind regards

Asset Protection Team

Wednesday, 31 May 2023



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

150 Metres North East Of Meadowside, Middleton, Milnathort, KY13 0SD
Planning Ref: 23/00775/FLL
Our Ref: DSCAS-0087687-VKF
Proposal: Erection of a dwellinghouse and agricultural shed

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenfarg Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your develop

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the

developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00775/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner [REDACTED]
Description of Proposal	Erection of a dwellinghouse and agricultural shed		
Address of site	Land 150 Metres North East Of Meadowside Middleton Milnathort		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Milnathort Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: 1 x £5,164 Total: £5,164</p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>		

**Recommended
informative(s) for
applicant**

Payment

Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.

Methods of Payment

On no account should cash or cheques be remitted.

Scheduled within a legal agreement

This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.

NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

Other methods of payment

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

Bank Transfers

All Bank Transfers should use the following account details;

Sort Code: 834700

Account Number: 11571138

Please quote the planning application reference.

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

	<p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	12 June 2023

From: Milne, Alasdair [REDACTED]
Sent: Tuesday, June 13, 2023 10:22 AM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: RE: Planning Application Consultation for Application No 23/00775/FLL SEPA ref 9284

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OFFICIAL

**Erection of a dwellinghouse and agricultural shed
Land 150 Metres North East Of Meadowside, Middleton, Milnathort
23/00775/FLL**

I refer to the planning application detailed above.

The information supplied with this planning application is insufficient to allow us to determine the potential impacts associated with phosphorus mitigation. We therefore submit a **holding objection** and request that determination be deferred until the information outlined below has been provided for our assessment. If the planning authority is not minded to request this information then this representation should be considered as an objection from SEPA.

Phosphorus mitigation

The [Loch Leven Special Protection Area and Ramsar Site](#) supplementary guidance (SG) was adopted in October 2016. The SG requires that information is submitted with Full or Approval of matters specified by condition (AMM) planning applications for new developments to provide details of proposed 125% phosphorous (P) mitigation.

The reason for this is to ensure that development accords with Policy 46: Loch Leven Catchment Area within the [Perth & Kinross Local Development Plan 2](#) adopted in November 2019. This requires that total phosphorous from built development must not exceed the current level to ensure there are no adverse impacts on water quality in Loch Leven SPA as the catchment has an issue with elevated nutrient levels.

The current septic tank which serves 1 Mawcarse Cottage (3 bedroom) will be replaced by a Klargester Biodisc BAX treatment plant, this will provide >125% mitigation for a new 5 bedroom property, which will also have a new Biodisc BAX plant. However, the site plan for the new build clearly shows the second floor has 6 bedrooms, there are also two large attic spaces with roof lights labelled as 'storage', these could be converted into two more bedrooms. We therefore ask that the P mitigation calculations be revised as necessary.

Detailed advice for the applicant

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR.

The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR licence application is progressed in advance of approval of P mitigation details.

I trust these comments are of assistance.

Regards
Alasdair

Alasdair Milne
Senior Planning Officer
SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ
[REDACTED]

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00775/FLL

Our ref OLW
Tel No 01738 476958

Date 14 June 2023

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PKC 23/00775/FLL RE: Erection of a dwellinghouse and agricultural shed, Land 150 Metres North East Of Meadowside, Middleton, Milnathort for WS Young And Son

I refer to your letter dated 25 May 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application.

Comments

This application is for the erection of a dwellinghouse which will include the a fireplace.

Air Quality

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. Though the application does not include any information on the fireplace, it is likely to be domestic sized and therefore I have no adverse comments to make with regards to air quality.

Odour

Another matter pertaining to the fireplace which could cause an issue has the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that there are no nearby neighbouring dwellinghouses which could be adversely affected by smoke/odour.

I would therefore have no objections to this development.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00775/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and agricultural shed		
Address of site	Land 150 Metres North East Of Meadowside, Middleton, Milnathort		
Comments on the proposal	<p>The applicant is proposing to erect a six-bedroom farmhouse and agricultural shed on existing farmland adjacent to the U228. This is a resubmission following the refusal of Ref: 22/00306/FLL, but not due to Roads issues.</p> <p>Access from the property onto the public road network is via the U228. A new vehicle access is proposed leading directly onto the U228 at the site of an existing field access/entrance point. At the entrance to the site, there is a hedgerow, which could restrict visibility to the right of the proposed vehicle access as shown in Figure 1. A condition is recommended to ensure that the splay is not compromised.</p>  <p style="text-align: center;">Figure 1: Visibility to the right of the proposed vehicle access</p> <p>The level of car parking proposed for the site is in line with requirements of the National Roads Development Guide.</p> <p>At the proposed vehicle access, there is a drainage ditch, Figure 2, this should not be blocked and will need to be piped to allow a positive flow of water, a condition is recommended to show the formation and construction detail of the access.</p>		



Figure 2: Drainage ditch at vehicle access

The junction shall be formed in accordance with Perth & Kinross Council's Road Development Guide and be suitable for accommodating the largest vehicle visiting the site to prevent over-run and damage to the public road network. The vehicle access shall be formed with radii kerbing and the sealed surfacing material shall extend into the site to the end of the radii kerbing.

If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: <https://www.pkc.gov.uk/vehicleaccess> . Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.

Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.

Recommended planning condition(s)	<p>Prior to commencement of any development on site, a detailed design of the junction shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to ensure that a positive flow of water is maintained in the existing drainage ditch. The junction, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the commencement of construction associated with this planning application (23/00775/FLL).</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the commencement of the development hereby approved, full visibility splays of 43 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward-facing gear.</p> <p>Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.</p> <p>Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water is discharged to the public road.</p> <p>Reason - In the interests of road safety.</p>
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Recommended informative(s) for applicant	<p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p> <p>The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at https://www.pkc.gov.uk/article/14916/Road-and-footway-permits.</p>
Date comments returned	15 June 2023

THE KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

President – Professor David Munro MBE. Chairman – Mr Alistair Smith.

Secretary – Mrs Eileen Thomas. Treasurer – Mr Ken Miles.



Planning and Development Management
Perth and Kinross Council

by email to: developmentmanagement@pkc.gov.uk

21 June 2023

Dear Sir/Madam

23/00775/FLL Erection of a dwelling house and agricultural shed, land 150 Metres North East of Meadowside, Middleton, Milnathort

Kinross-shire Civic Trust wishes to make some comments regarding the above.

The Trust is concerned that the design and scale of the proposed buildings do not fit well with the nearby settlement. The proposed development has no relation with its surroundings. These would be the only buildings on this side of the road in the Middleton area.

Yours faithfully

Kinross-shire Civic Trust



To:	Andrew Baxter, Planning Officer
From:	Grace Woolmer-White, Historic Environment Officer
Tel:	01738 477056
Email:	GWoolmer@pkht.org.uk
Date:	26 th June 2023

23/00775/FLL | Erection of a dwellinghouse and agricultural shed | Land 150 Metres North East Of Meadowside Middleton Milnathort

Thank you for consulting PKHT on the above application.

With respect to archaeology and the planning process, as outlined by NPF4, the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

Advice : HSL-231020164705-317 DO NOT ADVISE AGAINST

Your Ref: 23/00775/FLL

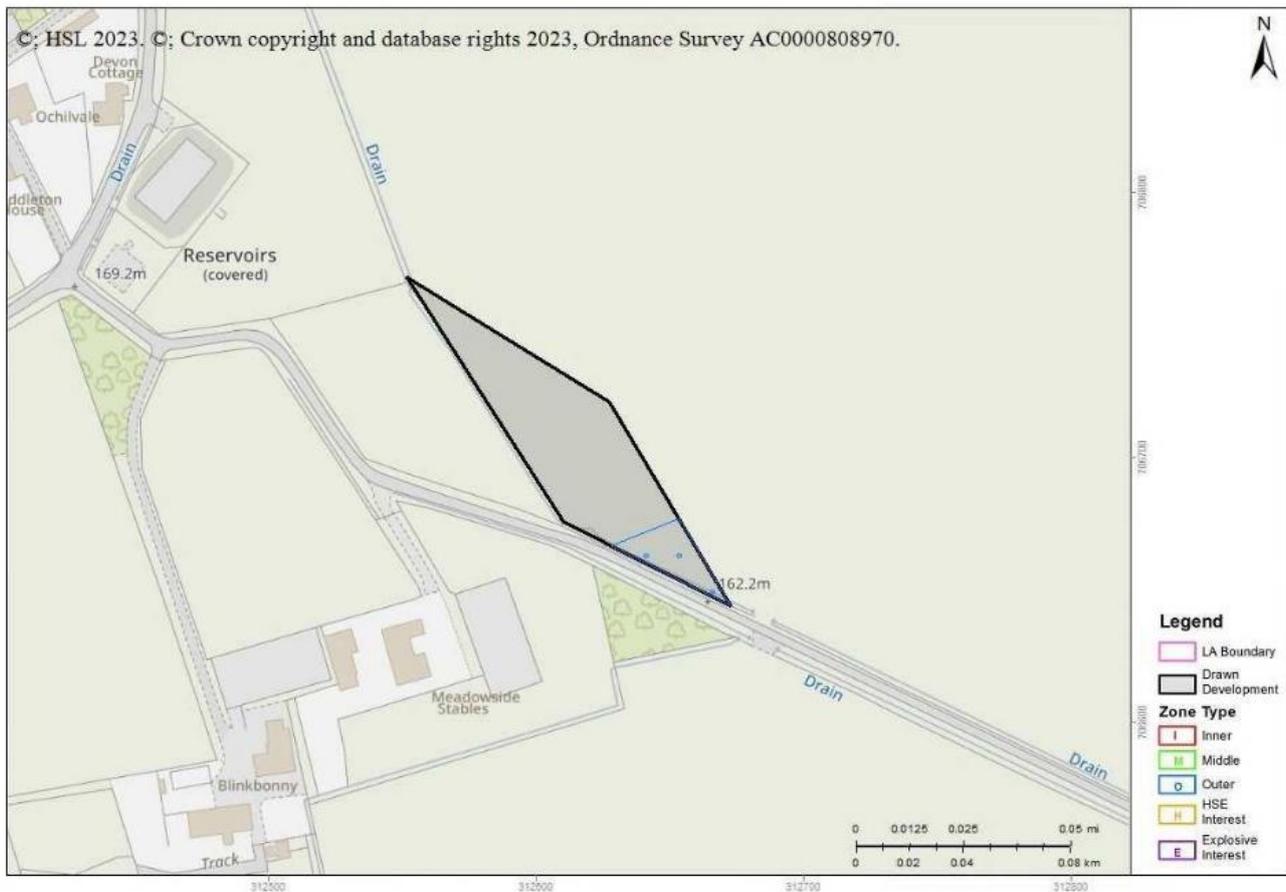
Development Name: New house and agricultural shed

Comments:

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Perth and Kinross.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



Workplaces : Do Not Advise Against

Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

Are there 100 or more occupants in any individual workplace building (that lie partly or wholly within a consultation distance)? No

Are there 3 or more occupied storeys in any workplace building (that lie partly or wholly within a consultation distance)? No



Pipelines

- 8096_2355 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Andy Baxter at Perth and Kinross on 20 October 2023.

