# **ASTON, COTE, SHIFFORD & CHIMNEY PARISH COUNCIL**

# **CLERK'S BRIEFING NOTES**

# PARISH COUNCIL MEETING ON 1 October 2020

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Prepared by Elaine Anstee 25<sup>th</sup> September 2020

# Agenda Item 9

Correspondence

All correspondence by email.

# Agenda Item 11a

Salt Cross Garden Village Area Action Plan (AAP) Consultation

	REF: (For Official Use Only)					
Name of the Docum						
this representation r	elates:					
Please Return to We	est Oxfordshire District Council b	oy 5pm, Friday 23 October 2020				
Elmfield, New Yati Witney, Oxon.	New Yatt Road, Witney,					
This form has two p PART A – Personal D PART B – Your Repro Please fill in a separ	Details	on you wish to make				
PART A						
	I. Personal Details 2. Agent's Details (If applicable)					
Title						
First Name						
Last Name						
Job Title						
Organisation						
Address Line 1						
Line 2						
Line 3						
Line 4						
Post Code						
Telephone Number						
Email Address						



Salt Cross Garden Village Area Action Plan

REF:
(For Official Use Only)

Publication Stage Representation Form

#### PART B - Please use a separate sheet for each representation

Name or Organisation:
3. To which part of the Area Action Plan does this representation relate?
Paragraph Policy Policies Map
4. o you consider the Area Action Plan is:
4. (I) Legally Compliant Yes No
4. (2) Sound Yes No
4. (3) Complies with the Yes No Duty to co-operate
5. Please give details of why you consider the Area Action Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Area Action Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.



### Salt Cross Garden Village Area Action Pla

REF:

Publication Stage Representation Form (For O

(For Official Use Only)

Please set out what modification(s) you consider necessary to make the Area Action Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Area Action Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modificati (s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

			REF:
	Salt Cross Garden Vil Area Action Pla	lage	ner.
Publi	cation Stage Representa	ation Form	(For Official Use Only)
	n is seeking a modification to the A ation hearing session(s)?	AAP, do you consider i	it necessary to
No, I do not in hearing ses	wish to participate sion(s)	Yes, I wish to partic hearing session(s)	cipate in
	I provide an initial indication of yo at a later point to confirm your re		in hearing
<ol> <li>If you wish to partici consider this to be n</li> </ol>	pate in the hearing session(s), plea ecessary:	ise outline why you	

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature Date	
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www.westoxon.gov.uk

### Pre-Submission Draft Salt Cross Garden Village Area Action Plan (AAP)

#### Guidance Note to accompany AAP Standard Representation Form

#### I. Introduction

- 2.1 The pre-submission draft Salt Cross Garden Village Area Action Plan (AAP) has been published in order for representations to be made on it before it is submitted for examination by a Planning Inspector.
- 2.2 The Planning and Compulsory Purchase Act 2004<sup>1</sup> (as amended) (PCPA) states that the purpose of the examination is to consider whether the Plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.
- 2.3 To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The District Council will therefore ensure that the names and addresses of those making representations can be made available and taken into account by the Inspector.

View at http://www.legislation.gov.uk/ukpga/2004/5/contents

#### 2. Legal Compliance and Duty to Co-operate

- 2.1 You should consider the following before making a representation on legal compliance:
  - The AAP should be included in the Council's current Local Development Scheme (LDS<sup>2</sup>) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the Council proposes to bring forward for examination. If the Plan is not in the current LDS it should not have been published for representations.
  - The process of community involvement for the Plan in question should be in general accordance with the Council's Statement of Community Involvement (SCI<sup>3</sup>). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.
  - The Council is required to provide a Sustainability Appraisal (SA) Report when it
    publishes a Plan. This should identify the process by which the Sustainability Appraisal
    has been carried out, and the baseline information used to inform the process and the
    outcomes of that process. SA is a tool for assessing the extent to which the plan, when
    judged against reasonable alternatives, will help to achieve relevant environmental,
    economic and social objectives.
  - The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

<sup>&</sup>lt;sup>2</sup> The District Council's current LDS is available to view online at <u>www.westoxon.gov.uk/ldf</u> and can be inspected at the Council's main offices and libraries throughout West Oxfordshire.

<sup>&</sup>lt;sup>3</sup> The District Council's current SCI is available to view online at <u>www.westoxon.gov.uk/ldf</u> can be inspected at the Council's main offices and libraries throughout West Oxfordshire.

- 2.2 You should consider the following before making a representation on compliance with the duty to co-operate:
  - Section 33A of the PCPA requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The Council will be expected to provide evidence of how they have complied with the duty.
  - Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

#### 3. Soundness

- 3.1 The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF<sup>4</sup>). Plans are sound if they are:
  - Positively prepared providing a strategy which, as a minimum seeks to meet the
    area's objectively assessed needs, and is informed by agreements with other authorities,
    so that unmet need from neighbouring authorities is accommodated where it is
    practical to do so and is consistent with achieving sustainable development;
  - Justified an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - Effective deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - Consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/810197/NPPF\_Feb\_20. 19\_revised.pdf

- 3.2 If you think the content of the AAP is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:
  - Is the issue with which you are concerned already covered specifically by national planning policy?
  - Is the issue with which you are concerned already covered by another policy in this plan?
  - If the policy is not covered elsewhere, in what way is the AAP unsound without the policy?
  - · If the AAP is unsound without the policy, what should the policy say?

#### 4. General advice

- 4.1 If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.
- 4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.
- 4.3 Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 4.4 Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

## Agenda Item 11b

### Modern Barn, Chimney – Conversion and subsequent residential use.

Dear Sirs

I act for Mr Mitchell with regard to the conversion and subsequent re-use of the Modern Barn into residential use.

Following discussions with the planning team at West Oxfordshire Council we have recently submitted revised designs for new doors and windows and associated curtilage for the Modern Barn. I have attached these plans for your consideration.

I am writing to you to canvas, your opinion on these revised designs and whether from your perspective you feel that there should be further amendments that we should consider?

I am writing to all neighbours to get their opinion and will consider all opinions and options before the planning application is determined. If you have any questions in the interim, please do not hesitate to call me.

I look forward to hearing from you.

Ridge and Partners LLP.

02 September 2020 by email

### **Clarification requested from WODC**

We have been sent a revised plan for the Modern Barn at Chimney, following the applicants' unsuccessful appeal against the previous refusal. His agent has advised this is with WODC for consideration.

We note the scheme is considerably different from the previous one. We therefore wanted to verify that the previous application still showing as awaiting a decision is being withdrawn. Further that this new proposal will be considered under a new planning application with all the usual public consultations from interested stakeholders/parish councils etc.

### And response from WODC Planning

Application 19/03222/FUL has not been withdrawn as the proposal for building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building has not changed. Therefore the amended plans illustrating proposed changes can be dealt with under this current application. Further amended plans have been received and added to our website. The current application is ongoing and still under consideration, and as such all interested parties are still able to formally comment.

### Parish Council original response to 19/03222/FUL

Planning and Strategic Housing West Oxfordshire District Council Elmfield New Yatt Road Witney OX28 1PB

Dear Stuart,

The parish council considered the application, reference 19/03222/FUL at its extraordinary meeting on 20 January 2020 and objects as detailed below:

#### OBJECTION BY PARISH COUNCIL APPLICATION REFERENCE 19/03222/FUL (CHIMNEY FARM BARNS)

1. Chimney Farm Barns have been the subject of 12 previous planning applications since 2002, against which, the Parish Council has objected consistently - objections that have been supported subsequently by WODC through a series of refusals. This latest application, the 13<sup>th</sup>, was submitted the day after the previous one, with which it is virtually identical, was refused. Unsurprisingly therefore, all the previously-stated Parish Council objections remain extant and provide the first basis of the Council's continued objection. Secondly, the Council understands that there are reasonable grounds to suspect that the proposed development may in itself be unlawful, given that the original pre-authority decision to permit conversion from storage to dwelling (Ref 19/01114/PN56, granted 6 Jun 19) is now subject to legal challenge and is to be referred to the Local Government Ombudsman as a Stage 3 Complaint. Taking each of these 2 in turn:

a. Firstly, the Parish Council OBJECTS to this planning application and is of the opinion that under the WODC Local Plan 2031 – inter alia, Policies OS2, OS4 and H2:

(1) The application does not satisfy the criteria of Policy OS2 which states 'development in small villages, hamlets and open countryside will be limited to that which is appropriate for a rural location and which respects the intrinsic character of the area'. Chimney is a small isolated hamlet, situated in the centre of the BBWOT Nature Reserve and Upper Thames Conservation Area. In the past 5 years, it has already been enlarged by 60% from 5 to 8 dwellings. There are neither amenities, nor public transport and the hamlet lies at the end of a single-track, no-through road, with already inadequate parking capacity within the settlement.

(2) The proposed development does not satisfy the conditions of Policy H2 as it is neither essential nor affordable nor is there an occupancy need. It is overly urbanising and the proposed design, virtually unchanged from its predecessor (other than the addition of internal blinds), includes 15 skylights, 3 large floor to ceiling windows and 17 other windows that would cause serious detriment to the 'dark skies' character of the hamlet, as well as the potential for noise pollution. The council noted the amended plans forwarded

by WODC on 20 January 2020 with the sky lights removed but felt that these points still stand.

(3) The planning design continues to fail to satisfy the conditions of Policy OS4 in that it does not respect the historic, architectural and landscape character of the landscape. The provision of parking is inadequate, given there is no other parking available in the hamlet, thereby impacting upon the use and enjoyment of land and buildings nearby. It proposes the change of use of agricultural land to the west, with commensurate removal of mature trees and shrubs. Indeed, this land is outside the curtilage and not in the deeds of the building in question, thereby not benefitting from the GPD rights that allow change of use. The Appeal Inspector in the 2018 appeal highlighted specifically that the band of trees enhanced the setting when he said in his decision 'in particular the loss of the small cluster of trees to the west of the site and numerous changes to the elevations proposed would noticeably and detrimentally change the rural setting. As such these trees should be protected and preserved.....'.

(4) Chimney is not joined to the mains water supply and is dependent for water upon a private property in Chimney. Applicant has yet to provide evidence that the supply is adequate to support this development without risking the supply to existing residents. There is no mains sewage and the existing septic tank was installed for 9 bedrooms which have already been extended to 16. If this development goes ahead that will add another 5 bedrooms so there are concerns that the size of tank is insufficient to support the usage.

b. If WODC is minded to approve the subject application, it is the view of the Parish Council that 2 Conditions be set:

(1) A restriction on holiday let usage to only allow use as a private dwelling house. There is already a detrimental impact upon the 15 permanent residents of Chimney and its rural tranquillity from the up to 37 visitors to the adjoining holiday lets. The subject application risks increasing visitor numbers to in excess of 50, if a restriction is not made.

(2) Removal of permitted development rights to control and further development that would be detrimental to the rural setting and permanent residents of the hamlet. In 2017, the WODC Appeal Inspector placed a similar restriction by removing the 6 weeks occupancy restriction. The history of the adjoining barns, where additional bedrooms were added through conversion of an office, utility and study space suggest that the same could happen to the subject building if a restriction is not placed upon it.

c. Secondly, the Parish Council OBJECTS to this application as it is predicated upon a potentially unlawful pre-authority decision (19/01114/PN56 dated 6 Jun 19) to permit the property's change of use from B8 (Storage) to a dwelling under Class C3 Residential, citing Class P of Schedule 2 of the Town and Country Planning (General permitted Development) (England) Order 2015. Following an unsuccessful Stage 2 Complaint by a parish resident and pending elevation by them under Stage 3 to the Local Government Ombudsman, they have sought specialist legal opinion that has stated, inter alia, that 'As a matter of both fact and law, the position is quite clear and Class P did not apply' and urges the local planning authority to rectify the mistake and revoke the original permission. It is the Parish Council's commensurate view therefore, that any determination by WODC of the current application must be at least deferred until the administrative and legal challenge process is complete.

2. The Parish Council requests that WODC refuse the application. Furthermore, given the history of development applications at the site, and that the lawfulness of the pre-authority decision is subject to formal challenge, the Parish Council urges that this application is determined through the Lowlands Planning Committee and not decided under delegated powers.

## Agenda Item 11b

DEVOLUTION - OXFORDSHIRE AND FORTHCOMING WHITE PAPER - from OALC

NALC has been asking for councils views on the widely anticipated White Paper on devolution (see previous editions of the Update). Devolution is a slightly misleading term as this appears to be a re-run of the previous unitary debate with extra topics thrown in for good measure.

On Wednesday 26th August Oxfordshire County Council published a report they commissioned with Cherwell District Council from Price Waterhouse Cooper, PwC. The report Local Government Reform in Oxfordshire is here - https://news.oxfordshire.gov.uk/independent-experts-take-a-fresh-look-at-options-for-delivering-key-local-services-to-oxfordshire-people/

PwC are also the authors of a more wide ranging report for the County Councils Network reported on by the BBC https://www.bbc.co.uk/news/uk-politics-53934725. This report suggests that one body for each area would reduce complexity and give communities a single unified voice. It goes on to suggest that abolishing 213 smaller councils in England and replacing them with 25 new local authorities could save almost £3bn over five years.

The Oxfordshire report (at a reported cost of £35,000) offers a high level appraisal of three options:

"1. Optimising the existing two-tier collaboration

2. Establishing a new single unitary authority

3. Establishing two new unitary authorities, based on a 50/50 split of the population to meet Government criteria around size

Each of the options has been assessed against the MHCLG criteria or tests for local government reform set out by the Secretary of State on 22nd July 2019.

The report states that from their analysis it appears that local government reform presents an opportunity for Oxfordshire to address the cumulative deficit of £46.9m to 2024-25 which existed pre-covid and to deliver improved outcomes for its residents.

The figures below represents a "base case" net annual savings scenario for each of the three options taking into account the impact of reorganisation and transformation. The figures show that while each option has the potential to deliver savings to Oxfordshire, it is the single unitary option that delivers the highest net annual savings through reorganisation and transformation.

Reorganisation and Transformation Base (£m)

Option	Net Savings Per Year	One Off Costs -21.6	
Two-tier collaboration	15.5	-21.6	
Single unitary	69.0	-28.0	

Two unitary

45.3 -31.0

Through reorganisation and transformation, Oxfordshire can deliver place-based outcomes for its citizens including:

• delivering the Oxfordshire Plan 2050.

• ensuring there is an inclusive plan for economic recovery that includes delivering more affordable housing and infrastructure.

• addressing inequalities in communities and ensuring that health and wellbeing outcomes improve.

• Tackling the impact of climate change and ensuring the local environment is sustainable.

There is, however, a challenge facing Oxfordshire as it considers the most appropriate option for reform, especially as it seeks to preserve those elements of the existing system that work well whilst also addressing the challenge of making the geography of the county, and its population, work against the stated MHCLG population criteria for the establishment of new authorities. There is also an additional challenge in terms of managing the potentially disruptive consequences, and costs, of disaggregating key county functions (Fire and Rescue, Adult Social Care and Children's Social Care and Education) and rebuilding the associated delivery models and governance arrangements in a two unitary model."

The leaders of Oxfordshire County Council and Cherwell District Council suggest the PwC report will provide 'food for thought' in anticipation of the White Paper and point out that the report doesn't make any recommendations.

Oxford City Council and West Oxfordshire District Council have issued a joint statement on the same day the PwC report was published -

https://www.oxford.gov.uk/news/article/1534/statement\_on\_local\_government\_reform\_in\_oxf ordshire\_report\_from\_oxfordshire\_county\_council

They give a detailed response suggesting that now is not the time for major restructuring of local government. They say -

"This report looks rushed and flawed, before the Government has set out its policy on this. It gives attention-grabbing financial forecasts without looking at the delivery of essential services. It makes basic errors on essential data like the size of population. The savings assessments are flawed, un-evidenced and contradict other reports – including by PwC.

"The report does not consider all options, nor, crucially does it even acknowledge the current context of COVID-19 in terms of health arrangements, community support and economic recovery..."

# Agenda Item 14b

ASTON, COTE, SHIFFORD & CHIM BANK RECONCILIATIONS AT	1			
BANK RECONCILIATIONS AT	30 September 2020 £ £		£	
	Receipts	~ Payments	~	
Unity Trust Current Account		raymonto		
Balance per Cash Book:				
Balance b/f at 1/4/20			10,326.13	
Total receipts in year	41557.45			
Total expenditure in year		14,601.98		
	41,557.45	14,601.98	26,955.47	
Closing balance per Cash Book	,	,	37,281.60	
RECONCILIATION				
Balance per Bank Statement			37281.60	
Reconciling Items				
NONE	0.00	0.00		
	0.00	0.00	0.00	
Balance per Cash Book			37,281.60	
CCLA				
Balance per Bank Statement (no new	statement)		48,671.91	
Less: uncleared transactions				
NONE			0.00	
Balance per Cash Book			48,671.91	
TOTAL CASH BALANCES			85,953.51	
Prepared by:	E Anstee		Date:	30.09.2020
Reviewed by:			Date:	

# Agenda Item 14a

### **Financial Matters**

Cash Balances	
	£
UNITY TRUST CURRENT ACCOUNT	
Balance at 31st August 2020	26,577.42
September payments	(3,989.82)
Precept	14,712.00
Bank Charges	(18.00)
Balance at 30 <sup>th</sup> September 2020	37,281.60
CCLA INVESTMENT ACCOUNT	
Balance at 31 <sup>st</sup> August 2020	48,663.96
Ũ	7.95
Transactions in month of August	
Balance at 31 <sup>st</sup> August 2020	48,671.91
TOTAL CASH HOLDING AT 30 <sup>th</sup> September 2020	<u>£85,953.51</u>

# Monthly (Year to Date) Financial Report – For Information

		As at	Performance Against		
2020-21 Budget	£	30/09/2020	Budget	%	Commentary
RECEIPTS					
Precept	28988	28988	0	0%	505 received in April - remainder due in Septe
WODC Grant CTSG	436	436	0	0%	505 received in April - remainder due in Septe
OCC grass cutting grant	1049	1549	-500		Recieved in Full against Grass Cutting Verges
Interest	360	74	286	-21%	CCLA Investment Account
VAT Refund	0	585	-585	NA	
INVESTMENTS IN	0	0	0	NA	
Sundry	0	10000	-10000	NA	S106 for Traffic Calming in Aston
Total Receipts	30833	41631	-10798	-35%	
EXPENDITURE					
Clerk's salary	3,740	2147	1593	-57%	
Norking from home allowance	216	118	98		
HMRC	900	610	290		
Bank charges	72	36	36		£6 per month due quarterly.
Office equipment	2,000	693	1307		
Office running costs	2,000	172	1307		Photocopying/Printing/Stamps plus sundries
Website costs	150	1/2	7		Renewed for 2 years in 2020
nsurance	361	307	54		This has been paid in full so £54 surplus
Audit	240	307	240		
Election Costs	240	0	0		
Annual Parish Meeting expenses	40	0	40		
Subscriptions	40	92	390		
Chairman's Allowance		92		-19%	
	100		100		
Grass Cutting - verges & WM	6339	1679	4660		Ubico - Renewal due 2021
Grass Cutting - playing field	1591	935	656		DJ - renewal due 2021
Grants paid under statute	4235	2850	1385		
Dog & Litter Bin Emptying	249	137	112		WODC - plus new bin from Feb 2020
Fete Bins		0	0		
Training & Travel	527	25	502		
Clock Maintenance	229	0	229		New contract with Derby's from March 2020 for 3 yea
Bus Shelter Cleaning	732	123	609		New bus shelter added in Nov 2020
Defibrillator pads/batteries	100	0	0		
Repairs	500	0	500		
VAT Paid	0	1305	-1305		
Village maintenance (Lengthsman)	1500	115	1385		VE/VJ Be3nch Installation
Small Grants Total Expenditure	1115 <b>25702</b>	0 <b>11487</b>	1115 <b>14216</b>		
Projects	2950	0	2050	0%	
Aston History Project (£5K) Traffic Calming Reserve	2950 764	0 2453	2950 -1689		
-		2453			
Defib in Cote Phone Box (3.5K)	3500	046	3500	0%	
VE 75 Bench - 8 May 2020 New Dog Bin - Great Brook Road	0	946 224	-946 -224		
-					
Total Project Spend	7214	0	7214	0%	
Contingency Budget	5000	0	5000	0% 0%	
			0		
OVERALL EXPENDITURE	37916	15109	22807	-40%	
SURPLUS/(DEFICIT) FOR THE YEAR	-7083	30145	-37228	0%	
Reserves					
Opening at 1 April	52048	0	52048	0%	
Closing at 31 March	44965	0	44965		
Closing reserves analysis:					
Working day to day balance	1363	0	1363	0%	
Contingency reserve	5000	0	5000		
	5000	0			
	24470	^	21170	00/	
Recreation reserve Traffic Calming Reserve	34476 4126	0	34476 4126		