

Reference: 19/01814/OUT	Site: Tremorgan Sandown Road Orsett Essex RM16 3DD
Ward: Orsett	Proposal: Outline planning permission with all matters reserved for the construction of up to 10 residential dwellings with associated amenity space and parking

Plan Number(s):		
Reference	Name	Received
2037/L1	Location Plan	13 December 2020
2037/1 Rev B	Proposed Site Layout (Indicative)	9 January 2020
2037/2	Proposed Plans and Elevations – House Type A (Indicative)	9 January 2020
2037/3	Proposed Plans and Elevations – House Type B (Indicative)	9 January 2020
2037/4 Rev A	Proposed Plans and Elevations – House Type C (Indicative)	9 January 2020
2037/5 Rev A	Ground Floor Plan and Elevations – House Type D (Indicative)	9 January 2020
2037/6	Street Scene – Houses 8 -11 (Indicative)	9 January 2020
2037/7	Plans and Elevations – Garages (Indicative)	9 January 2020

The application is also accompanied by:

- Design and Access Statement

Applicant: Mr John Appleby	Validated: 8 January 2020 Date of expiry: 8 April 2020
Recommendation: Refuse planning permission	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr G Rice, Cllr J Kent, Cllr M Kerin, S Shinnick and Cllr M Fletcher in accordance with Part 3 (b) 2.1 (d) (i) of the Council's

Constitution to consider the proposal against Green Belt policy.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 This application seeks outline planning permission, with all matters reserved, for the construction of up to ten two-storey houses with associated amenity space, vehicular parking and landscaping.
- 1.2 An indicative masterplan has been provided, this shows the development would be laid out in a cul-de-sac arrangement, with access taken from development which is being built out presently (planning reference 18/00029/FUL).

2.0 SITE DESCRIPTION

- 2.1 The site is located at the southern end of Sandown Road, an unadopted road accessed via a T-Junction from Stanford Road (A1013) .The site measures 0.44 hectares, is free from built development and is within the Green Belt.
- 2.2 To the north of the application site is existing residential and industrial development, woodland to the east, agricultural fields to the south and a former nursery site to the west. There is residential development currently under construction immediately to the north of the site.

3.0 RELEVANT PLANNING HISTORY

Reference	Description	Decision
18/00029/FUL	Demolition of existing dwelling and outbuilding and erection of 5 detached dwellings with garages, road and parking	Approved
16/00256/FUL	Erection of 6 dwellings and associated roads, parking and landscaping and demolition of existing dwelling and outbuildings	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: www.thurrock.gov.uk/planning
- 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There was one letter of objection, which cite the following concerns:

- Additional traffic;
- Loss of amenity;
- Overloading of utilities.

4.3 ANGLIAN WATER:

No objection.

4.4 ARCHAEOLOGY:

No objection.

4.5 CADENT:

No objection.

4.6 EMERGENCY PLANNING:

No objection.

4.7 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

4.8 FLOOD RISK MANAGER:

Holding objection.

4.9 HIGHWAYS:

No objection, subject to conditions.

4.10 NATIONAL GRID:

No objection.

4.11 NATURAL ENGLAND:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

5. Delivering a sufficient supply of homes;
12. Achieving well-designed places;
13. Protecting Green Belt land;
15. Conserving and enhancing the natural environment.

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Appropriate Assessment
- Before submitting an application
- Design
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Green Belt
- Making an application
- Natural environment
- Rural housing
- Use of planning conditions

5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

- OSDP1: (Promotion of Sustainable Growth and Regeneration in Thurrock)

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

6.1 With reference to process, this application has been advertised as being a major development and as a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with regard to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' an application that a local planning authority is minded to approve for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic impact and parking
- III. Design, layout and impact upon the area
- IV. Ecology
- V. Surface water drainage
- VI. Developer contributions
- VII. Other matters

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.3 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

6.4 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

6.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 143 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

6.6 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

6.7 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and

- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.8 In response to each of these five purposes:

a. to check the unrestricted sprawl of large built-up areas

6.9 The site is located within a rural area outside the main village of Orsett. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. At a broader geographic scale the nearest large built-up areas are located at Laindon to the north-east, Stanford-le-Hope / Corringham to the south-east, Grays to the south and South Ockendon to the south-west. The proposed development would represent the addition of significant new urban form on the site, but it not considered that the proposals would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

6.10 The development would not conflict with this Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped site. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

d. to preserve the setting and special character of historic towns

6.12 The proposals do not conflict with this defined purpose of the Green Belt.

e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.

- 6.14 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

- 6.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.16 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 6.17 The applicant has put forward the following very special circumstances within the Design and Access statement submitted with this application:
- a) Shortfall of housing supply*
- 6.18 The applicant puts forward a lack of 5 year housing supply.

Consideration

- 6.19 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).
- 6.20 The current proposal would, consisting of 10 units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

b) Economic Benefit

- 6.21 The applicant has put forward that the proposal would result in an economic benefit as it would increase the value of the site and create jobs during the construction phase of the development. In addition to this they state that future residents would provide increased spending power which would support local shops and businesses.

Consideration

- 6.22 The proposal would result in some economic benefit; however, given the size of the proposal this is unlikely to be significant. In addition such benefits would be the case with any development so it has not been shown that this is a very special circumstance in relation to this particular proposal.

c) Achieving Sustainable Development

- 6.23 The applicant has quoted the general presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (referred to as paragraph 49 in the Design and Access Statement). The applicant considers the Council's Policies are out of date due to the lack of a 5 year housing land supply. They consider this should be applied in the determination of this application.

Consideration

- 6.24 Irrespective of the status of the Council's Development Plan Paragraph 11 of the NPPF states that the presumption in favour of sustainable development would apply unless the application of policies in this Framework that protect areas or assets of

particular importance provides a clear reason for refusing the development proposed. The Green Belt designation is classified as a protected area and there are clear reasons within the Framework for refusing the development due to the impact upon the Green Belt. Therefore the presumption in favour of sustainable development would not constitute a very special circumstance.

6.25 A summary of the weight which has been placed on the various Green Belt considerations is provided below;

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Lack of 5 year housing supply	Significant
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.			
		Economic Benefit	Very limited weight
		Presumption in favour of sustainable development	No weight

6.26 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combines at this location to comprise ‘very special circumstances’.

6.27 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions which could be used to make the proposal acceptable in planning

terms. The proposal is clearly contrary to Policies CSSP4, PMD6, PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

II. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.28 When considering development proposals, paragraph 108 of the NPPF seeks to ensure that: (a) appropriate opportunities to promote sustainable transport can be taken up; (b) safe and suitable access to the site can be achieved for all users; and (c) significant impacts on the transport network (capacity and congestion) or highways safety can be mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.29 The Council's Highways Officer has confirmed that the proposal would not severely adversely affect the local highway network. However, the development should contribute to the improvement of Sandown Road from the section which has already been funded by another development in the road, to the application site. In the event that planning permission were to be granted this could be secured through a suitable legal agreement. On this basis there are no objections on highways grounds.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.30 The matters of access, appearance, landscaping, layout and scale are reserved for future approval. However, the masterplan drawing, floor plans and elevations accompanying the submission provide an illustration of how the site could be developed should outline planning permission be granted. The proposal would clearly urbanise a currently open site within the countryside. As a result it is considered that the proposed development would impact negatively on this character contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and paragraph 170 of the NPPF.

IV. ECOLOGY

- 6.31 It has been identified that the proposal is in close proximity to a SSSI which includes important habitat features for roosting bats. The Council's Landscape and Ecology Advisor was consulted on the proposal and advises that there are no trees or buildings on site that would be suitable for roosting and minimal vegetation for foraging. Therefore it is considered that the proposal would not unacceptably impact upon protected species.

V. SURFACE WATER DRAINAGE

- 6.32 The proposal constitutes a major development for the purposes of assessment and would include extensive areas of hardstanding alongside a significant amount of built form. The site is presently open and devoid of development and there are likely to be implications in terms of surface water drainage. The Council's Flood Risk Manager has raised a holding objection due to the lack of sufficient information to allow the proposal to be fully assessed. On this basis the proposal has failed to demonstrate that the proposal would not unacceptably impact upon surface water drainage contrary to policy PMD15 and the NPPF.

DEVELOPER CONTRIBUTIONS

- 6.33 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.34 Policy CSTP2 seeks the minimum provision of 35% affordable housing. There is no indication that any on site affordable housing or a financial contribution would be included within the proposal and no legal agreement has been forthcoming in relation to this. As a result the proposal would fail to contribute towards affordable housing need in the Borough contrary to policy CSTP2.
- 6.35 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

VII. OTHER MATTERS

- 6.36 The comments regarding the impact upon utilities and services are noted. However, the proposal is for a relatively small scale residential development which is unlikely to have a significant impact upon such services. No concerns have been raised by the relevant providers and it would be their responsibility to ensure that sufficient capacity would be available for the development.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The application site is located within the Green Belt, as identified on the Policies Map

The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and in particular whether there are considerations which clearly outweigh harm and amount to very special circumstances such that a departure from normal policy can be justified. The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition.

- 7.2 The development would result in further harm by introducing increased built development and the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also conflict Green Belt purposes (c) and (e).
- 7.3 It is considered that the circumstances put forward by the applicant would not clearly outweigh the identified harm to the Green Belt. The proposals are therefore contrary to national and local planning policies for the Green Belt. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF.
- 7.4 The proposal would also result in an urbanised appearance which would be out of character with the general rural character of the area contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and design guidance in the NPPF. Refusal is also recommended on the impact upon the general character of the area.
- 7.5 The proposal does not include a legal agreement in relation to the provision of affordable housing and would therefore fail to contribute towards meeting affordable housing need in the Borough. As a result it would be contrary to policy CSTP2 of the Core Strategy and the NPPF.

8.0 RECOMMENDATION

8.1 To Refuse for the following reasons:

- 1 The proposed development would, by reason of its location result in inappropriate development in the Green Belt which is by definition harmful. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. Furthermore, the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development 2015 and the National Planning Policy Framework 2019.

2. The proposed development would, by reason of its siting, density and urban appearance, appear as overdevelopment within this rural setting given the surrounding pattern of development. The proposal is therefore contrary to Policies PMD2, CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.
3. The proposed development, by reason of the lack of detailed information in relation to Surface Water Drainage fails to demonstrate that there would not be an unacceptable impact upon drainage in the area. The proposal is therefore contrary to Policies PMD15 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.
4. The proposed development, by reason of the lack of a legal agreement towards the provision of affordable housing has failed to demonstrate that it would contribute towards meeting affordable housing need in the Borough. The proposal is therefore contrary to policy CSTP2 the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

Informative:

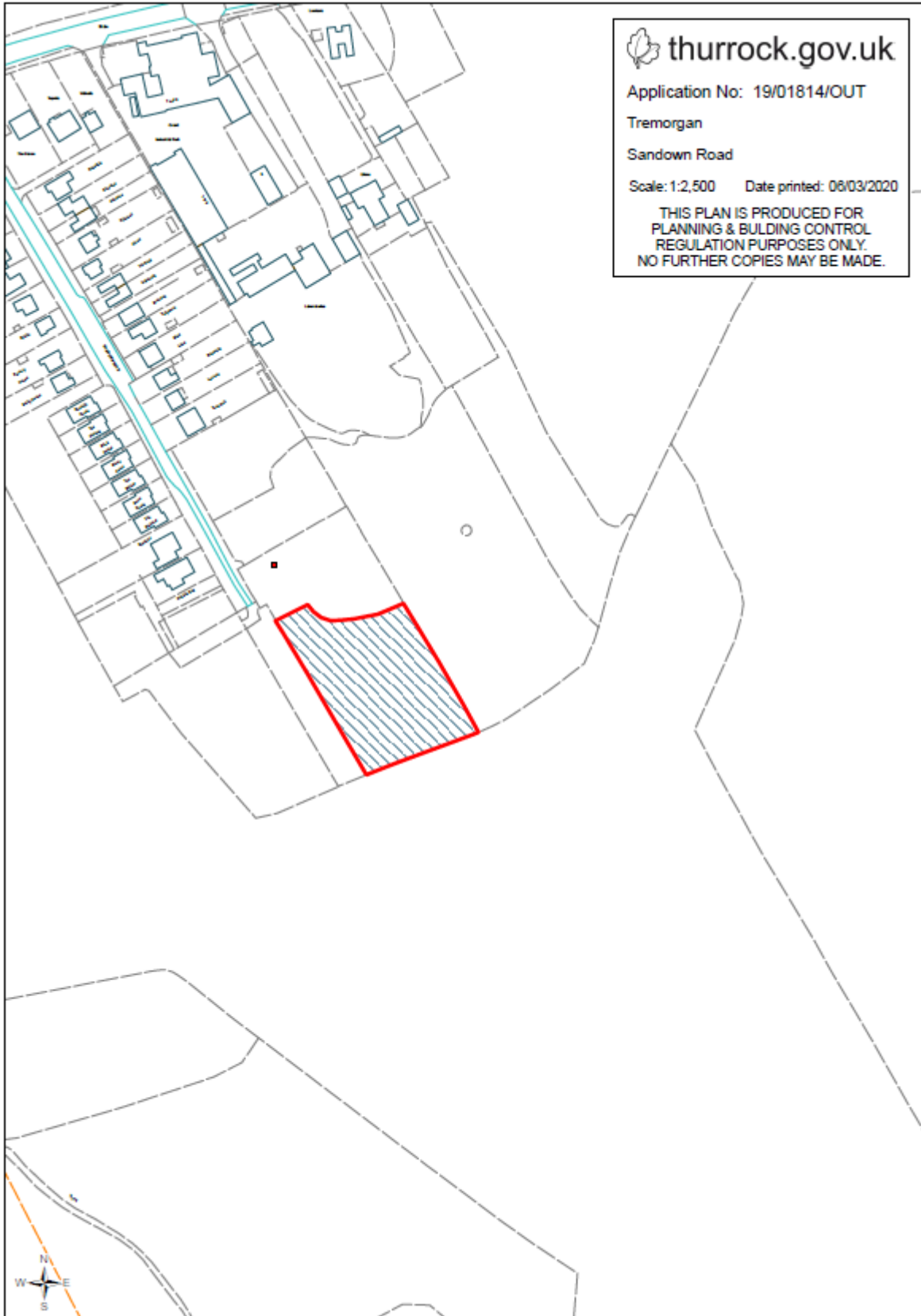
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning



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Sandown Road
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