

Laura Paech
BASF plc
PO Box 4
Earl Road
Cheadle Hulme
Cheadle
SK8 6QG

Licence No: **77675a(g):OTH:WCA:2017**

Valid From: **13th December 2017**

Expiry: **31st December 2022**

WILDLIFE AND COUNTRYSIDE ACT 1981 (AMENDED BY THE ENVIRONMENTAL PROTECTION ACT 1990)

LICENCE TO RELEASE NON-NATIVE SPECIES (BIO-CONTROL AGENTS)

The Natural Resource Body for Wales otherwise known as Natural Resources Wales (NRW), grants this Suppliers licence under Section 16(4) (c) and (5) of the Wildlife and Countryside Act 1981 (amended by the Environmental Protection Act 1990),.

1. This Licence applies in respect of **Heterorhabditis bacteriophora strain EN01 (Family Heterorhabditidae, Order Rhabditida, Class Nematoda)**, in this licence referred to as '**H.bacteriophora**', supplied by BASF plc, PO Box 4, Earl Road, Cheadle Hulme, Cheadle, Cheshire (the 'Company'), or any retail sales agent (a 'Distributor').
2. Subject to the conditions in paragraphs below, section 14(1) and 14ZA of the 1981 Act does not apply to BASF plc ("the Grower") whose registered office is at PO Box 4, Earl Road, Cheadle Hulme, Cheadle, Cheshire, SK8 6QG for accidentally releasing **H.bacteriophora** or allowing **H.bacteriophora** to escape in to the wild in consequence of:
 - a. for the purpose of biological control of plant pests in nurseries, greenhouses, golf greens, fairways, home gardens, sport fields and forestry plantations
 - b. accidentally releasing **H.bacteriophora** into the wild as a consequence of the research and development of the Company with **H.bacteriophora**

This licence applies in Wales and is valid for the period **as stated above** and is granted subject to compliance with the conditions as specified. Anything done otherwise than in accordance with the terms of the licence may constitute an offence. If the Grower wishes to use the **H.bacteriophora** for the purposes outlined in paragraph 2 after this date he/she must approach the Company for an updated licence.



Signed for and on behalf of
Natural Resources Wales

Ffôn/Tel: 03000 654974 / 03000 654921

Ebost/Email: trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk or specieslicence@naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk www.naturalresourceswales.gov.uk

Cyfoeth Naturiol Cymru / Natural Resources Wales, Maes y Ffynnon, Penrhos Garnedd, Bangor, Gwynedd, LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Correspondence welcomed in Welsh and English

CONDITIONS

Definitions

'NRW' is an abbreviation of the Natural Resources Body for Wales otherwise known as Natural Resources Wales

'EPS' is an abbreviation of European protected species

'Licence application' refers to the application form, method statement and any other supporting documents (where applicable).

This licence is granted subject to the following conditions:

- a) the instructions provided by the Company for the application of ***H.bacteriophora*** shall be complied with and the application rate for the time being recommended by the Company for the control of the pests on the crops shall not be exceeded;
 - b) the grower guidelines and monitoring protocols outlined by the Company to minimise the escape of ***H.bacteriophora*** should be followed;
 - c) any management procedure required by the Company to control or eradicate ***H.bacteriophora*** shall be complied with, including permitting the use of pesticides within the release site;
 - d) if there is evidence that of ***H.bacteriophora*** has become established in the environment in which ***H.bacteriophora*** has been applied, Natural Resources Wales shall be notified immediately (and any notification not in writing shall be confirmed in writing within 30 days).
 - e) If there is evidence that ***H.bacteriophora*** EN01 has caused unanticipated harm in the environments in which it has been released, NRW shall be notified immediately (and any notification not in writing shall be confirmed in writing within 30 days).
2. The licensee must consult with NRW before using or supporting the use of *H.bacteriophora* on any protected site, or within 3 kilometres of such a site if it is designated for Chough (*Pyrrhocorax pyrrhocorax*) and/or Greater Horseshoe Bats (*Rhinolophus ferrumequinem*), and must only proceed with treatment with the consent of NRW.
209. Nothing shall be carried out under this licence on a National Nature Reserve or Site of Special Scientific Interest (SSSI) except with the prior written permission from NRW's Regional Office in which the National Nature Reserve or SSSI is situated.
211. The licensee shall advise NRW if there are any changes in their circumstances where such changes could invalidate this licence.
212. If any European protected species (EPS) are incidentally captured or killed as a result of exercising this licence then NRW should be immediately advised.

NOTES

- N2. The Licensee is reminded that, in relation to conditions relating to Nationally Protected Species, anything done that is not under and in accordance with the terms of this licence may result in a criminal offence being committed under sections 1, 5, 6 (3), 7, 8, 9 (1 – 2), 9 (4 – 4A), 11 (1 – 2) and 13 (1) of the Wildlife and Countryside Act 1981.
- N3. This licence may be modified or revoked at any time by NRW.
- N4. Nothing in this licence confers any exemption from any legal provision contained in any Act, other than the Act(s) under which this licence is issued. Where appropriate licences should be obtained from the Home Office to fulfil the requirements of the Animals (Scientific Procedures) Act 1986.
- N5. The Licensee may be accompanied by the owner or occupier of the land on which this licence is exercised. In such circumstances, it will be the responsibility of the Licensee to ensure that no additional disturbance is caused.

- N6. The personal information on this licence will be kept and used by us in accordance with the Data Protection Act 1998. The licence will be permanently retained, as it is a legal document. We may discuss licence content with selected third parties. Other than stated above, we will not make the personal data on this licence available to third parties unless there is an overriding public interest. The Data Protection Act 1998 gives you the right to know what data we hold about you, how we use it, to which third parties it is disclosed, and that it is accurate. To exercise this right please contact the Data Protection Officer at NRW.
- N7. You agree to complete a licence report with details of required biodiversity records collected in association with this licence. We have your permission to store, copy, use, and release or publish any biodiversity records associated with the issue of this licence. Where our policy on public access to data states that the information is sensitive, publication and access will be restricted in accordance with both the Environmental Information Regulations (2004) and our guidance on access to data on sensitive biodiversity features. We may share the biodiversity records supplied with conservation organisations selected by us. Where our policy on public access to data states that the information is sensitive any such release will be under restrictive licence conditions in accordance with our guidance on access to data on sensitive biodiversity features. Please note that an inadequate return will prejudice future licence applications
- N8. Biodiversity records associated with the issue of this licence must be as reliable and accurate possible and collected with all necessary permissions.
- N9. We acknowledge that biological records collected in relation to this licence, unless collected under a contract (with alternate provisions relating to Intellectual Property Rights) for us or a Third Party, remain the intellectual property of the licence holder. In all cases we will seek to acknowledge intellectual property and not use any biological records collected under licence beyond the purposes stated above.
- N10. **A biosecurity risk assessment should be prepared to evaluate potential risks at each site and relevant biosecurity precautions should be addressed according to the habitats and species present. The following notes should help to inform your working procedure and links to further information can be found below.**

On sites with freshwater, the transfer of amphibian and fish diseases as well as invasive non-native species should be minimised by undertaking cleaning and disinfection of equipment. All debris, plant fragments and mud should first be scrubbed off footwear and rinsed with water. Disinfection should comprise soaking in a bleach solution (1 measure of household bleach to 9 measures of water) for 15 minutes, or using Virkon solution (1mg/ml) for 1 minute. Fabrics can be washed on a 40° C cycle (with detergent, ensuring sufficient rinsing). Nets should be boiled for 10 minutes or, if the fabric allows, disinfected with spray bleach and rinsed thoroughly. Rinse with clean water and if possible, allow to dry before next use. Keep field gear (e.g. traps, net frames, buckets) inside plastic bags during transit and storage to reduce the likelihood of transmitting diseases. All used disinfectants should be disposed of appropriately. Sites considered to be 'infected' should be surveyed/visited last during any programme of work.

To minimise the risk of spreading *Phytophthora* when visiting heathland or woodland sites, scrub all visible soil and debris from footwear using water, spray with Propeller and leave until it has evaporated. Vehicle access along tracks should be kept to a minimum and mud should be cleaned from car wheels, wheel arches and foot wells of cars. This should be repeated at each site visited.

Phytophthora disease control sites should be avoided if at all possible. Propeller can be obtained from Evans Chemical Supplies, 18B Barncoose Industrial Estate, Pool, Redruth, Cornwall, Tel. 01209 213643.

Biosecurity advice on ash dieback disease, *Chalara*, can be found at <http://www.forestry.gov.uk/forestry/infd-6abl5v>

More information on Phytophthora can be found at

<http://www.fera.defra.gov.uk/plants/plantHealth/pestsDiseases/phytophthora/>

Amphibian workers should read the ARG-UK advice note 4: amphibian disease precautions – a guide for UK field workers (<http://www.arguk.org/advice-and-guidance/view-category>)

Information and advice on invasive non native species can be found at

<https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>

- N11. These derogations are granted on the basis that NRW are satisfied that:
- the proposed actions are for a purpose specified in regulation 53(2)(e) of The Conservation of Habitats and Species Regulations 2010;
 - there is no satisfactory alternative;
 - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.