

Registration Manager UK and IE  
BASF Plc  
4<sup>th</sup> and 5<sup>th</sup> Floors  
2 Stockport Exchange  
Railway Road  
Stockport  
SK1 3GG

Licence No: **S091914/2g**

Valid From: **25<sup>th</sup> July 2023**

Expiry: **31<sup>st</sup> December 2027**

**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 Grower's 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*** (Heterorhabditidae, Rhabditida, Nematoda), in this licence referred to as "***H.bacteriophora***", supplied by by BASF Plc, (the 'Company') whose registered office is at 4<sup>th</sup> and 5<sup>th</sup> Floors, 2 Stockport Exchange, Railway Road, Stockport, SK1 3GG.
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") 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 gardens, soft fruit, nursery stock, sports and amenity turf
  - 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: 0300 065 3000

Ebost/Email: [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk) or [specieslicence@naturalresourceswales.gov.uk](mailto:specieslicence@naturalresourceswales.gov.uk)  
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Cyfoeth Naturiol Cymru / Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, 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*** 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.
211. The licensee shall advise NRW if there are any changes in circumstances where such changes could invalidate this licence.

## NOTES

- N1 Failure to act within the terms of this licence or failure to comply with any of the licence conditions may mean that the licence cannot be relied upon and an offence may be committed. The maximum penalty in the Magistrates' Court for an offence under the Act is an unlimited fine or a six month custodial sentence or both.
- N2. The actions authorised by this licence may be carried out within a Site of Special Scientific Interest (SSSI) without the owner/occupier of the land in question needing to obtain consent under section 28E of the Wildlife and Countryside Act 1981, as substituted. However consent under section 28E of that Act may be required for any actions which are carried out in association with the exercise of this licence but not expressly authorised by it, for example the use of a vehicle in an SSSI. Any person using this licence in an SSSI is responsible for obtaining the necessary consent for any such associated actions. Failure to do so may invalidate the licence and may result in offences being committed.
- 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.
- N6. We may keep, copy, use, release or publish any information associated with the exercise of this licence, subject to any requirements relating to personal information which are contained in the General Data Protection Regulations, and subject to any requirements relating to sensitive environmental information which are contained in the Environmental Information Regulations.

- N7. If a licence report is required in association with this licence, we have your permission to store, copy, use, and release or publish any biological 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.
- N10. Any work undertaken must take account of biosecurity risks and measures must be put in place to ensure that you don't introduce or spread invasive non-native species (INNS), pests or disease. This [biosecurity risk assessment](#) should help you to understand and mitigate the risks on your site, and those posed by your activities.

Information, data and free [e-learning](#) on [non-native species](#) and [biosecurity](#), including for [people working in the environment](#), can be found on the [GB Non-Native Species Secretariat website](#).

You can access information about the location of invasive non-native species (INNS) by using the [NBN Atlas Wales INNS Portal](#) (a [guide](#) on how to use the portal is available).

Data on plant and tree specific pests and diseases and biosecurity is available on [NRW website](#), the [Defra website](#) or at [Forest Research](#). Free e-learning is available from the [Forestry Commission](#).

Ensure you follow the [Check Clean Dry](#) or [Keep it Clean](#) principles.

You must ensure that all equipment (vehicles, tools, boots etc) that come to site, arrive clean, and are cleaned again before leaving site – this applies to all sites, not just those where an invasive non-native species (INNS), pest or disease has been previously identified. High risk sites should be surveyed / visited last during any programme of work.

**Check** your equipment, clothing and boots and remove any plant or animal 'hitchhikers'.

**Clean** equipment, clothing and boots thoroughly, remove all mud, leaves and plant debris. If it is not possible to clean on site, securely bag items and clean at a suitable location where risk of transfer of diseases is minimised. Wash vehicle tyres and wheel arches if muddy and park on hard standing if possible.

**Dry** thoroughly any equipment or PPE that has been in freshwater or the marine environment; some INNS can live on damp items for weeks.

You will also need to use disinfectant if you are:

- accessing farmland with stock
- coming into contact with known pathogens
- moving between medium / high risk sites in the same day
- unable to **effectively** dry (>48hrs) equipment that has been in contact with pathogens
- working during a notifiable disease outbreak situation as notified by Welsh Government.

Information on disease control and disinfectants can be found on the following websites: for [tree disease](#); for [amphibians](#); for [agricultural](#); and for [fisheries](#).

If you need any further help, please feel free to contact our [INNS and Biosecurity](#) team or our [Tree Health](#) team.