

# Banned poison laid by caretaker

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**1** Louth County Hall

**A Louth county council caretaker, who used a banned substance to poison a heron, has appeared before Dundalk court.**

The birds had been taking goldfish from an ornamental pond in front of the county hall, Judge Hamill was told.

Colm Fergus, 26 Belfry Gardens, Dundalk, pleaded guilty to two charges arising out of an incident on 19 September, 2015.

The defendant admitted causing to be placed a poisonous bait that is animal, to wit sardines laced with Carbofuran, in a place to kill or poison a grey heron; and also laying the same substance which is calculated or likely to cause injury or facilitate the capture of a wild bird in the vicinity of a fish pond.

The matter came to light after two dogs belonging to the parents of local councillor, Marianne Butler, 'interacted' with the sardines. One of the animals became ill and died

Three other charges were struck out, and the court was informed there was no charge in relation to the death of the dog.

The prosecution was brought under the Wildlife Acts and the European Communities (Birds and Natural Habitats)(Restrictions on the Use of Poison Bait) Regulations 2010 by the Department of Arts, Heritage and The Gaeltacht.

The court heard Fergus did this on a Saturday morning on his own volition. He continues to be employed by the local authority.

Kieran Buckley, a conservation ranger with the National Parks & Wildlife Service, said the poison had been laid with a view to protecting a fish pond in the grounds of the county hall.

'If the county council wants to poison birds, I'm presuming he was doing what he was told,' Judge Hamill interjected.

'On his own volition he did this? Nobody told him to do something about it?' he asked.

State solicitor Fergus Mullen said the accused 'did this on his own bat'.

Mr Buckley continued Carbofuran, a highly toxic poison, was banned a number of years ago. It's so dangerous, it is not available over the counter.

He interviewed the defendant on 22 September, and he refused to tell him where he got the poison.

Fergus then added he had none left, he had used it all, and that he got it 'from a fellow from Rentokill'.

He showed remorse straight away, the witness pointed out.

The defendant, who has no previous convictions, said during the interview that he wasn't instructed by his employers to do what he did.

There was a problem with herons eating goldfish from the pond, Mr Buckley went on.

The conservation ranger said he is willing to offer advice on the subject, but no one from the council has contacted him.

Solicitor Adrian Ledwith explained this happened on a Saturday when his client wasn't working.

He happened to be passing by, when he noticed a heron beside the pond.

He made a spur of the moment decision to put something down, before going back to his house, which is nearby, and lacing the sardines with small amounts of the substance, with the intention of making the heron sick, in order to solve the problem.

Fergus had made a terrible error of judgement, and is very remorseful, the solicitor said.

He admitted guilt from day one, and but for that there wouldn't have been sufficient evidence to convict him, Mr Ledwith contended.

His client is 17 years with Louth county council, and during a 28-year Army career was described as dependable and of the highest integrity.

The solicitor asked the court to deal with the case by way of a contribution to the Irish Wildlife Trust.

Judge Hamill reserved his decision until 28 April next.

Irish Independent

On 28th April the defence solicitor submitted to the Judge Hamill that his client would be prepared to make a contribution to the Irish Wildlife Trust if he was in mind not to record a conviction and an offer of €300 was made by Mr Fergus which the Judge accepted and applied the Probation Act on payment of €300 to the Irish Wildlife Trust which was paid into court.