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# Caretaker laid poison to stop heron 'taking fish' from council's pond

Ex-Army man Colm Fergus, of Belfry Gardens, Dundalk, given benefit of Probation Act

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A council caretaker who put out poison because a heron was taking goldfish from an ornamental pond in front of Louth County Council's headquarters has had the Probation Act applied at Dundalk District Court. Photograph: Cyril Byrne/The Irish Times.

A council caretaker who put out poison because a heron was taking goldfish from an ornamental pond in front of Louth County Council's headquarters has had the Probation Act applied at Dundalk District Court.

Judge William Hamill said he was applying the Probation Act in the case involving Colm Fergus, Belfry Gardens, Dundalk. He found the facts proven, but was not recording a conviction.

Judge Hamill had previously adjourned the case until Thursday when he was told Mr Fergus had no previous convictions and an exemplary work record.

The judge said the defendant had not acted for his own gain and thought he was doing the right thing. Mr Fergus had €300 in court which the judge directed be paid to the Irish Wildlife Trust.

A previous court hearing was told Mr Fergus had made “a spur of the moment decision” which was a “terrible error of judgement.”

He admitted two offences related to using the poison, carbofuran, on September 19th last year at the ornamental pond outside the council headquarters in Dundalk.

Judge Hamill was told at an earlier hearing by State solicitor Fergus Mullen there had been a concern that poison had been laid with a view to protecting an ornamental fish pond from herons.

Mr Mullen said the information was that the accused was not instructed to do this but “did it off his own bat” and of his own volition.

The court heard the defendant had served in the Army for 28 years and has worked as a caretaker with Louth County Council for 17 years.

Defence solicitor Adrian Ledwith told the earlier hearing his client had been passing the pond on a Saturday when he saw a heron at the side of the pond. Herons had been taking fish from the pond and he “made a spur of the moment decision to put something down.”

He had laced sardines with a small amount of the poison and put it out with the intent of making the heron sick and curing the problem. He had shown remorse straight away and admitted his guilt from day one.