

Amendment 90A

Moved by **Baroness Royall of Blaisdon**

90A: Clause 21, page 23, line 18, at end insert—

“(8) This section and section 53B do not have effect in relation to property, rights or liabilities comprising the whole or any part of the Public Forest Estate.

(9) The Public Forest Estate comprises all the land, property, rights and liabilities acquired by the Minister under section 39 of the Forestry Act 1967, including all such land not needed, or not used, for the purpose of afforestation or any purpose connected with forestry.”

Baroness Royall of Blaisdon (Lab): My Lords, in moving Amendment 90A, I must thank the right reverend prelate the Bishop of St Albans for his support. He is following in the footsteps of Bishop James, the former Bishop of Liverpool, who did so much to safeguard the future of our woods and forests. We now turn to concerns that powers within Clause 21 would allow the transfer of land from public bodies to the Homes and Communities Agency and could therefore allow the Government to transfer parts of the Public Forest Estate to the HCA for development. The Public Forest Estate is a precious asset providing us with beauty, space for recreation, space in which to walk and breathe, an environment for flora, fauna and wildlife to flourish and a means of preventing floods and slowing the effects of climate change. For those of us whose home is in a forest, they are part of our culture and heritage. They sustain livelihoods and support our local economy; they are the lifeblood of our communities. That is why I am passionate about protecting the Public Forest Estate.

6.15 pm

At Second Reading and in Committee, the response to concerns that many people have about the Bill and the Public Forest Estate was confused. Ministers said that the Government had no intention of transferring land from the new body to the Homes and Communities Agency as the Public Forest Estate is currently in use and not declared surplus. I imagine that the Minister will say that it cannot be used because the land that makes up the Public Forest Estate does not constitute an arm's-length body. However, if your Lordships were to go to the Government's website, the Forestry Commission sits in the same section as HMRC and other arm's-length bodies which will, I imagine, be covered by the Bill in the list that will be brought forward and covered in secondary legislation. Can the Minister commit to bringing forward between now and Third Reading a list of bodies that will be covered by the Bill?

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We have the thrust of what the Minister is going to say from a Written Ministerial Statement. It is the second time on this topic that the Government have sought to ensure that their views are set out ahead of debate. I am grateful to the Minister for providing me with an advance copy, but my fears have not been assuaged. I hold this Minister in very high regard and do not doubt his intentions but, because of the recent history with respect to this Government's cavalier attitude to our forests, words are not enough if they are not in a Bill. Indeed, to repeat the words of Viscount Bledisloe in a debate on the Forestry Bill in 1981:

“It is not what you say; it is what is in the Bill itself”.—[*Official Report*, 11/5/81; col. 370.]

I regret that the two commitments in the Written Ministerial Statement are simply not enough. Indeed, the second commitment on:

“Not including the new Public Forest Estate management body in any future regulations specifying which bodies can transfer land to the Homes and Communities Agency”,

is particularly strange. It depends for compliance upon an institution which does not exist—the new Public Forest Estate management body. Much of the difficulty that the Government find themselves in here rests with the fact that there is some confusion about the legal definition of the Public Forest Estate, but there need not be.

The Government committed to bringing forward a Bill to implement the recommendations of the Independent Panel on Forestry, an important and detailed piece of work led by the former Bishop of Liverpool. The Government have argued in earlier debates that there is not enough legislative time to follow through on their promises. The Written Ministerial Statement repeats the canard that,

“it was not in the end possible to accommodate the necessary legislation within the current parliamentary programme”.—[

Official Report

, 4/11/14; col.

WS 144

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What a hoot, especially when your Lordships consider the paucity of legislation before us in this Session. I know that officials have been working on proposals, for which I am grateful, so why have the Government not at the very least brought forward a draft Bill for pre-legislative scrutiny? The principal recommendation from the panel was that the Public Forest Estate should be held in trust for the nation; without a Bill, I regret that the legal ambiguity around it will continue.

The noble Lord, Lord Ahmad, will no doubt claim that my amendment, which would put his own assurances into the Bill, is otiose yet a recent example from the Forest of Dean clearly demonstrates that words spoken by a Minister do not provide protection. In 2011, Bircham Wood was sold despite the fact that when the Forest of Dean was exempted from the disposals part of the Forestry Act 1981, *Hansard* recorded the intention also to exempt the associated woodlands. When the Forestry Commission land agent was challenged about the sale, he said that as Bircham Wood was not named in the 1981 Act, the Act did not apply to it. On such small omissions, confusions and accidents do these matters rest.

That is why it is my very firm view and the view of thousands of our citizens that the Government need to accept this amendment. These people were devastated by the Public Bodies Bill; they were delighted by the

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establishment and report of the independent panel; they were heartened by the Government’s response. Now, they feel totally let down by lack of action and are deeply concerned once more about the future of the Public Forest Estate. A few words in the Bill would alleviate those concerns. I beg to move.

The Lord Bishop of St Albans: My Lords, I am glad to speak in support of this amendment proposed by the noble Baroness, Lady Royall. I am also glad to pay tribute to her persistence on this matter which I, too, believe is crucial. When the discussions about the future of the forestry estate have come before the public they have made their views absolutely clear that trees, woods and forests are a vital part of the make-up of the English countryside. Although they now cover only 9% of the land area of England, trees have an iconic place in our relationship with the landscape. Whether living in towns, cities, villages or hamlets, many people express affection and deep regard for the well-being of trees in the locality. Protecting the Public Forest Estate will bring many benefits to the public and the environment. I will mention three of them briefly.

First, exempting the Public Forest Estate from development and making that clear in the Bill will help secure some of the timber needs of the UK. We need our woods. They are practical things. Secondly, it would help to ensure continual public access and amenity uses. Forests and woodlands are not just places of access and recreation to be consumed but are places of relaxation and renewal, offering an opportunity to reconnect to the natural world in all its diversity. For Christians, this is part of God's gracious provision for the well-being of humans and wildlife and should be respected as such. For many individuals, whether Christians or not, trees, woodlands and forests play a deep part in their spirituality, offering a sense of peace or well-being. They form a background to the tapestry of everyday life, from creating meeting points or landmarks for navigation to providing shade and improving the view. Whether in a cityscape or landscape, they contribute significantly to the improvement of life. Thirdly, this protection would also contribute to climate change. Trees are vital for the future of the planet in carbon sequestration—one of the things we are going to come to in Amendment 108.

I believe this is not just a peripheral thing. It is fundamental to the thriving of our communities and the environment in which we live. I shall press the Minister further to honour the commitment made following the report from the Independent Panel on Forestry. Will the Minister agree to consult with interested parties prior to Third Reading and consider including an amendment to bring forward legislation to establish that new public body to hold the Public Forest Estate to account?

Lord Clark of Windermere (Lab): My Lords, I apologise to the House that I have not participated in the debate on this Bill so far but I have been indisposed. I am now back healthy and prepared to enter the fray once again. I support this amendment from the noble Baroness and the right reverend Prelate because I think it is critical. It also brings back memories. Although

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I understand that the Minister is very committed to this Bill and to forestry, the coalition does not have the best of records in this respect. I remember this issue being debated during the Public Bodies Bill and the concern that was expressed. I remember the campaigns when thousands of people expressed their views. I do not know what has happened to the signatures that 38 Degrees collected. There is deep concern about forests for the very correct reasons the right reverend Prelate mentioned. I want to pay tribute—like virtually everyone in the House—to James, the former Bishop of Liverpool. He

did a tremendous job of re-engaging politicians with the people out there and their love of forests.

I understand that there is a need for the transfer of land, especially for big infrastructure and housing. It would be foolish to deny that. I support this amendment because having read the Bill I am convinced of the intention of the Ministers and have no doubt about their sincerity, but I am not convinced completely that this Bill backs up their intentions. They may not be prepared to transfer land from the Forestry Commission to the HCA, but the Bill, I believe, gives other Ministers, future Ministers and future Governments the powers so to do. It may be a point of dispute or of interpretation. If it is, the amendment from my noble friend Lady Royall makes that quite clear.

As I understand it, one of the assurances that Ministers are giving us is that the forest land is not surplus land, but there is some difficulty with the issue of surplus. When I was chair of the Forestry Commission, I sold quite an amount of forest land, but I did so because I was reshaping the forest estate. In my mind, some of the forest in deep rural areas could be disposed of quite happily to the private sector, which would manage it just as well. On the other hand, we could use the money received to create new forests near the centre of population for reasons such as health, recreation and conservation, as well as for timber. I was very proud that in the time I was there we planted more than 1 million trees in Wigan, more than 1 million trees in St Helens and more than 2 million trees in Warrington because we were reshaping the estate. The argument about surplus is very difficult to define. If we rely on that to safeguard our forests, we could run into difficulties. For that reason, I am very keen to support the amendment proposed by my noble friend this evening.

Lord Phillips of Sudbury (LD): My Lords, I, too, support the amendment moved so clearly and effectively by the noble Baroness, Lady Royall of Blaisdon, and supported so strongly by the right reverend Prelate. I declare an interest as a patron of a charity in Coggeshall, Essex which runs a large forestry estate. Indeed, I am lucky enough to have a piece of ancient woodland. What has been said about public concern regarding this aspect of this Bill cannot be overestimated. I dare say many Members of the House have had a huge amount of correspondence from people really anxious to get the public forestry estate and, I believe, forestry charities excluded from the Bill as was successfully done during the passage of the Public Bodies Act 2011. They want to do that not because they view the Homes and Communities Agency as a malignant body

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but because they know only too well that large bureaucracies can lose touch with public feeling and opinion. Indeed there is a march going on at this very moment down in the West Country in the Forest of Dean about this Bill and the potential people think it brings for despoliation. People are deeply anxious in our wonderful country, which seems little by little to be being concreted over, developed and exploited, that we preserve and give special status to what forestry and woodland is left. I think that is at the root of this.

As a talisman of so many people who have written in, I will read a sentence from a letter written by Brian and Michelle Jones, who run an animal charity in the Forest of Dean. They say a good deal, including:

“For your average Brit, the freedom to roam on the beaches, by the lakes and, especially, in the forests, is sacred. It is what being British is all about”.

That would be a pretty universal sentiment.

6.30 pm

Specifically in relation to the language of the Bill, the wording in Clause 21 to introduce into the Housing and Regeneration Act 2008 new Clause 53A, entitled:

“Other property etc transfers to the HCA”—

that is, the Home and Communities Agency—is far too wide. It is absolutely right for the noble Baroness who tabled the amendment to make clear beyond peradventure that public forests are not to be subject to that clause’s provisions. It states:

“The Secretary of State may at any time make one or more schemes for the transfer to the HCA of designated property, rights or liabilities of a specified public body”.

That is typical legalese and I am lawyer, but one wants to know what “designated property” and “a specified public body” are. On those two phrases hang the potential, or lack thereof, of the Bill to wound the public weal.

Further into Clause 21, “designated property” is defined extremely widely. It states that,

“in relation to a scheme”,

it is to be,

“determined in accordance with the scheme”.

It is extraordinarily wide. The scheme that the Secretary of State can make is to transfer property—any property—to the HCA for the purposes of housing.

This whole piece of the Bill harks back the Homes and Regeneration Act 2008, Section 2 of which states that the purpose of the Homes and Communities Agency is,

“to improve the supply and quality of housing in England”.

Very fine, too, but it is a question of how you do it. I am saying that the language in this clause is too wide.

The noble Baroness referred to “specified public body”, because there exists the contemplation that the Minister may say that the public forestry body is not caught within the new addition to the 2008 Act. However, “specified public body” is itself widely defined. It simply says that it shall be defined in accordance with,

“a description specified, by regulations made by the Secretary of State”.

Well, that is good, is it not? We all know the force of regulations in preserving our cherished rights and advantages. We know very well that you cannot amend

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regulation; you have to reject it in its entirety or it goes through, and the chances of rejecting a regulation in its entirety are slim. We are therefore left with a definition of “specified public body” as wide as the Atlantic Ocean.

“Public body” is defined in subsection (5) of new Section 53A as,

“a person or body with functions of a public nature”.

Well, that is jolly helpful, is it not? You could get 10 lawyers arguing for 10 years about that. I asked a well known Law Lord about this. He is not here this afternoon, or he would confirm that he believes that that definition includes, for example, all woodland charities. Every county of England has a woodland trust. He believes that they are brought within the provisions of this clause.

Can you imagine the potential consequences? The charity of which I am a patron is one of thousands of woodland charities.

I anticipate that the Minister will say, "Oh, that is rubbish. 'Public body' does not extend that far", and so on. I will read to your Lordships from the Local Government Act 1972; that is not some little measure, after all, but a measure central to our national life and government. Section 270 of that Act defines "public body", *inter alia*, in these terms,

"any trustees ... who, for public purposes and not for their own profit, act under any ... instrument for the improvement of any place"—which is also a very wide definition. Then it mentions a number of things, such as the supply of water, providing cemeteries and markets, and so on. It boils down to the fact that the definition of "public bodies" includes, of course, local authorities, parish councils and all the rest of it, but also, "trustees ... who, for public purposes and not for their own profit, act under any ... instrument".

That includes every charity in the land. The definition, the central core of charity, is that it exists exclusively for public benefit. What could be more of a public body than that? Of course, trustees cannot run charities, to use the language of the 1972 Act, "for their own profit". They cannot charge a penny for their services.

My contention—and I shall be fascinated to know whether the noble Lord disagrees with this—is that Clause 21, introducing new Section 53A into the Housing and Regeneration Act 2008, is far too wide for comfort.

Lord Judd (Lab): My Lords, the right reverend Prelate referred to the importance attached to this issue and the strength of feeling within the church. That is significant. What was so impressive the last time this issue was being discussed, while the church played a critical part in the deliberations, was not only the size of the response to the Government's proposal but the spontaneity and strength across the community as a whole. This was something about which people cared passionately in our society. It is hardly surprising that, in a country that is so increasingly pressurised in material terms, people take very seriously the balance that is needed for creativity, thought, reflection, and spiritual and physical regeneration.

My point is quite simple. My noble friend has said that the Minister has given assurances and that she respects him. I may also respect the Minister—and

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I do. However, I never understand this point. The Minister and his Government will not be there for ever. If the assurances on something which is crucial, and on which the Minister feels able to give assurances, mount, why on earth should we not put it in the Bill so that it is there as the clear expression of Parliament for future Governments as well as the present one?

Lord Jenkin of Roding: My Lords, I will be brief because I sense that the House wants to reach a decision. In my former constituency of Wanstead and Woodford was quite a large part of Epping Forest. I entirely share the views that have been expressed around the House, by the right reverend Prelate and others, about the extent to which this forms an enormously valuable part of people's lives and, indeed, is part of their being.

When Winston Churchill fell ill, went into hospital and lost his job—of course, he had a job and therefore had to give up his seat—he ended that chapter of his biography:

“And so I found myself without an office, without a seat ... and without an appendix. I came to rest amid the cool glades of Epping Forest”.

Of course, he became the Member for Epping; I inherited part of that constituency.

I listened to the noble Baroness with great interest because I, too, had read the Statement made by my noble friend and published in *Hansard* on 4 November, and I took comfort from it. However, I have to say to my noble friend that this is what worries me: a Statement, however formally issued, is not the same as an Act of Parliament. The example quoted by the noble Baroness about the particular part of the Forest of Dean, which I had not heard before, has raised doubts in my mind. Whether this or another amendment is necessary to place the intention of the Statement firmly on the statute book, it seems to me that this amendment has a good deal to say for it. I shall listen to my noble friend's response to this debate with considerable interest.

Lord Berkeley of Knighton (CB): My Lords, I missed the opening of this debate because I was upstairs at a meeting of the APPG on arts and health, at which a series of experts in mental health said how important people's surroundings—whether they were in the East End or the countryside—were to their good health and the well oiled working of society. As someone who has the privilege of living a lot of the time in the country and working with foresters, I feel that the transcending quality that people feel the countryside, and forestry in particular, affords them is not something with which we should play fast and loose.

The noble Lord, Lord Clark of Windermere, made some very fair points in recognising what the Government probably want to do here, but I do not think that this is an area where we can take any risks. From what many Members of the House have said, it seems that there is a huge risk attached to the Bill as presently framed, and therefore I would like to support the amendment.

Lord Greaves (LD): My Lords, I apologise for not having spoken previously on the Bill; at the time, I was out of action as far as the House of Lords is concerned

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for various reasons. I should remind the House of my registered interests in the areas of local government and countryside recreation.

I was involved in what became the Public Bodies Act, to which I will refer in a minute because there is something about it that is important here. I was very pleased that I tabled the amendments that removed on the forestry commissioners' clauses from the then Bill. Since then, the Independent Panel on Forestry—to which the noble Baroness, Lady Royall, referred—has made its recommendations and the Government have accepted the recommendation for a new body to look after the forestry estate. That was taken forward within Defra. In particular, my honourable friend David Heath, when he was a Minister there, played an important role in ensuring that happened. It has not been taken forward in legislation in this Parliament, and I think people can come to their own conclusions about why that is the case and the priorities of one of the parties—the Conservative Party—within the coalition. All I can say is that the Liberal Democrat manifesto at the coming election will include a commitment to such a body. I am not saying that is a

100% guarantee that it will happen but if other parties did the same, it would be very helpful.

At Second Reading my noble friend Lady Kramer said that these powers, “will not be used by bodies such as the Forestry Commission”.—[

Official Report

, 18/06/2014; col. 840.]

The question is whether it is “will” or “can”? If it is “can”, someone else perhaps could in the future, and people out there certainly think that is a problem. I want to refer to the forestry commissioners. In the then Public Bodies Bill, the forestry commissioners were treated very differently from all the other public bodies mentioned. Those who remember with pleasure debating that Bill three or four years ago will remember that there were pages and pages of schedules that were lists of organisations. The forestry commissioners were not there. They had to have their three separate clauses and be treated differently. If you look at the Forestry Commission website, it says:

“The Forestry Commission is both a Government Department and a statutory body with a board of Commissioners”.

So that sounds as though it is the same. It goes on:

“The board consists of a Chair and up to 10 other Forestry Commissioners”—

I think there are about half a dozen—

“who are appointed by the Queen on the recommendation of Ministers”.

It was very clear that the commissioners were there by some kind of royal appointment or charter, and were different from other public bodies. My question, which I ask the Minister in all honesty and seriousness, is: does this Bill apply to the forestry commissioners or not? When we dealt with the Public Bodies Bill, we were told that they were different and they had to have these separate clauses, so does this apply to them or not? If the Government can say that it does not apply to them, we can all go home.

Finally, why have the Government got themselves into this silly political mess? We, the Government and the Opposition are all saying that we do not want the

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land that comes under the forestry commissioners—the forestry estate—to be dealt with in this way as a means of transferring it to the Homes and Communities Agency. Everyone is saying that they do not want to do it, so why have the Government got into this? All Governments get into this silly political mess where they write something in legislation and then cannot make simple compromises in the face of opposition when it comes. I think it is institutional stupidity on the part of this Government. It affects all Governments in this way, in that they cannot back down and say they have got something wrong or that they have to clarify it. We all actually agree, so we should put something in the legislation that says what we all agree on and then we can all go home happy.

6.45 pm

Baroness Parminter (LD): My Lords, I thank the noble Baroness for tabling the amendment and for the opportunity to discuss this issue. There is a clear consensus around the House in opposition to the sale of our public forestry estate. I say that as someone who lives in the most wooded county in our

country, which I suspect is somewhat surprising to some noble Lords—the county of Surrey.

It is a great disappointment that the promised draft legislation for a new body for the public forestry estate has not yet been provided. That is contributing to the genuine concern, to which my noble friend Lord Phillips referred, that is being articulated by the hundreds of constituents around the country who feel unsure about the Government's intentions. In the early days of the coalition Government, when there was no Liberal Democrat Minister in Defra, it was a great shame that the possibility of selling off the public forestry estate was proposed. It was a great credit to the campaign in which many noble Lords participated that that was overturned. I should be grateful if the Minister could state what the Government's position is now because in 2013 we had the Government's forestry and woodlands policy statement.

In Committee, the Minister clearly set out the settled position of the coalition Government that the forestry estate is not for sale and that we will not transfer the public forestry estate to the HCA. That is the clear intention of this Government. However, future Governments could bring in new pieces of legislation and no one can speak for future Governments. Like my noble friend Lord Greaves, I know that so far the Liberal Democrat party is the only party that has committed to make developments in this area in the future.

In conclusion, I am not entirely persuaded of the need for the amendment. I can see why a belt and braces argument works in one sense, but my worry is that if we accept the amendment there will be a perception among the general public out there that this House does not believe the Government's intentions for the public forestry estate. Although I am very happy not to agree with my Government and not to accept their position on many, many issues, I feel that on this issue they are acting in good faith. I would therefore be unhappy if the House sent out that message to the general public. Like my noble friend Lord Jenkin, I will listen very carefully to the remarks of my noble

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friend the Minister and hope that he can reassure us about the intentions of the Government and reassure us that this amendment is not necessary.

Lord Ahmad of Wimbledon: My Lords, first, I thank all noble Lords who have participated in this important debate and thank the noble Baroness, Lady Royall, for tabling the amendment.

The public sector land programme is about bringing disused land currently owned by central government back into productive economic use, supporting homes and jobs, an objective to which I am sure all noble Lords adhere.

Where land is no longer needed by government, it will be transferred to the Homes and Communities Agency, which will prepare the land for release to the market and work with local planning authorities to ensure that the land is used in a way that best benefits the community—for example, by supporting local housing needs. We have had many debates, and I am sure that we will continue to have them, about the importance of housing and housebuilding to boost economic growth.

Better reuse of disused land will in turn support our desire—I make it clear that it is the Government's desire—to protect the green belt and amenity land, such as forests, woodlands and open spaces. Disused government land can and does already transfer to the HCA, but the process is often more

bureaucratic than is necessary. This clause is simply about increasing the rate of delivery and efficiency by streamlining internal government procedures. Let me be clear. The intention behind Clause 21 is not to sell off the nation's forests. You know what—I have been to a forest or two and I enjoyed a woodland or two as a child, and I want my children to continue to enjoy those very things, as I did. I have made this clear repeatedly, in my meetings with noble Lords—with the noble Baroness in particular—and most recently in a Written Ministerial Statement, published yesterday. I assure all noble Lords that the Government have no plans to dispose of the public forest estate and the powers contained in Clause 21 of the Infrastructure Bill do not present a threat to the future of the estate in public hands. The estate is not surplus, and it is not owned by an arm's-length body. The Homes and Communities Agency's objectives are to work with the Government and other public bodies to unlock and accelerate the release of surplus public land for the creation of new homes and employment opportunities, in line with designated government policy. The aim is to make best use of previously used and brownfield land, protecting green belt and amenity land that create and support great places to live.

Lord Greaves: I have been listening very carefully to what the Minister said, but did he say that the estate was not owned by an arm's-length body? I wonder whether, at some stage, he will answer the question that I asked. Does Clause 21 apply to the forestry commissioners and the forestry estate, or does it not?

Lord Ahmad of Wimbledon: Several questions were raised, and I know that the noble Lord, Lord Greaves, although he has tabled some other amendments, said

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that we could all go home once I had answered that question. Perhaps that means that he will not move his other amendments. However, he has asked the question again, and let me put the matter to rest. The Bill applies to public bodies. He asked whether it applied to forestry commissioners. The forestry commissioners do not own any land and the PFE is owned by the Government. I trust that that point is clear.

Lord Greaves: This is extremely important. The public forest estate is owned by the Government, but the question I am asking is whether Clause 21 applies to the public forest estate.

Lord Ahmad of Wimbledon: I would ask my noble friend to allow me to finish. Once I have concluded my remarks, his question and other questions may have been answered.

Much of the public forest estate is already protected. Many of the sites are, for example, in national parks and the estate contains almost 200 sites of special scientific interest as well as more than 800 scheduled ancient monuments. However, the Government recognise the strength of people's concerns about the future security of the public forest estate. Indeed, I know that my honourable friend Mark Harper and the noble Baroness, Lady Royall, hosted an event recently about the Forest of Dean. That is why we have made the following commitments, which I shall reiterate. The Government will not transfer any part of the public forest estate to the Homes and Communities Agency. We are amending our guidance to departments on the transfer of public land to make it clear that the public forest estate is exempted from

transfer to the Homes and Communities Agency. We will not include the new public forest estate management body in any future regulations specifying which bodies can transfer land to the Homes and Communities Agency. I hope that that clear public commitment by the Government provides a degree of certainty and reassurance to noble Lords. Having made these commitments, I must also be clear that the intention of Clause 21 of the Infrastructure Bill was simply to allow the direct transfer of land from central government arm's-length bodies to the HCA. The noble Baroness asked about the list of arm's-length bodies. I would be happy to share that with her and the rest of your Lordships' House. The public forest estate is not owned by any arm's-length body and, as such, is not covered by the aims or purpose of this policy.

Various questions were asked and my noble friend Lord Phillips raised some specific questions. If I may, in the interests of brevity and to move issues on, I shall write to him specifically on the issues that he raised.

I have listened very carefully to what has been said in the Chamber today and listened attentively to the sentiments expressed by your Lordships' House. It has become increasingly clear to me during the course of the debate that there is still strong feeling in the House that this is an important issue on which the Government need to reflect further. Therefore, I shall seek to bring an amendment back to the House at Third Reading that will seek to exempt the public forest estate from transfer to the Homes and Communities Agency. I hope

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that, with that assurance, and the faith that the noble Baroness has in me, for which I am grateful, she will be minded to withdraw her amendment.

Lord Phillips of Sudbury: I thank the Minister for that very conciliatory answer. Will he be as good as to confirm that if, on reflection, he comes to the view that it is not clear that charitable woodland and forests are excluded from the Bill, that too will be covered by the Third Reading amendment?

Lord Ahmad of Wimbledon: My Lords, I feel that I have charity in abundance myself, personally. I gave an assurance to my noble friend about a detailed answer and perhaps we can take that matter with the letter. If he has any concerns after that letter, I shall be happy to speak to him.

Baroness Royall of Blaisdon: My Lords, I am extremely grateful to the Minister for listening. As he knows, words are simply not enough. I hold him in good faith, and I know what he wants to do. I look forward to him coming back to put an amendment in the Bill that ensures the protection of the public forests. I am extremely grateful to the Minister.

Amendment 90A withdrawn.