

Study Guidance Notes

for the

Pathway to Chartership (P2C)

3rd edition, October 2009

(Replaces 2nd edition, August 2009)

	Section	Detailed study area	Application of knowledge
A1	PROFESSIONAL CONDUCT		
A1A	Professional ethics	The nature of professionalism	<ul style="list-style-type: none"> • The professional compared with the commercial position
A1B	Code of Conduct	Scope and purpose	
		Integrity within relationships	<ul style="list-style-type: none"> • Conflicts of interest/how they arise and methods of resolution • Honesty and clarity of communication and action • Misrepresentation of competence/personal/professional and of staff • Recognition of limitations, and working within them
		Responsibility to the profession	<ul style="list-style-type: none"> • Fair competition • Advertising and promotion • CPD, training and mentoring
		Responsibility to the client	<ul style="list-style-type: none"> • Financial accountability and liability • Management of the client brief and relationship • Effective practice management and standards • Dealing with complaints
A1C	The Charter	Role and Remit of the Landscape Institute	
A1D	Continuing Professional Development	Obligations to client and the Landscape Institute	<ul style="list-style-type: none"> • Concept of lifelong learning • Obligations to staff for training and development • Obligations as a mentor

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A2	PROFESSIONAL DUTIES AND LIABILITIES		
A2A	Liabilities under contract, tort, statute, extent of liability and codes	Duty of care	
		Limits of competence	
A2B	Professional Indemnity Insurance		<ul style="list-style-type: none"> • What it covers • What it encompasses
A2C	Health and Safety at Work Act	Role of the HSE	
		Construction (Design and Management) Regulations (CDM)	<ul style="list-style-type: none"> • The intention of the legislation • The parties to the regulations • Their roles and responsibilities
A3	PROFESSIONAL APPOINTMENT		
A3A	Professional engagement	Institute documentation	<ul style="list-style-type: none"> • What they comprise, when and how to use them • Appointments where services not described within standard documents
		Copyright	<ul style="list-style-type: none"> • Protection available for design work and its limitations
		Novation	<ul style="list-style-type: none"> • Why and where used • Documentation used
		Collateral Warranties	<ul style="list-style-type: none"> • What they are, who applies them, potential consequences and liabilities • CIC and RIBA Standard Documents

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A3B	Fees and charges	Methods of charging	<ul style="list-style-type: none"> • Advantages and disadvantages of each, and where likely to be used • Documentation of expenses and methods of recovery • Payment periods/debt recovery and interest • Dealing with and preventing disputes
A3C	Fee tendering	Submission requirements	<ul style="list-style-type: none"> • Fee calculation • Dealing with non-standard/inappropriate briefs • Role within multi-disciplinary fee bids • Competition on quality measures • Importance of clarity and specific, quantifiable work schedules
A4	PROFESSIONAL RELATIONSHIPS		
A4A	Client relationships	Contracts with private, public and corporate clients	<ul style="list-style-type: none"> • General methods of engagement and legal limitations for each • PFI Framework agreements, D and B, term contracts
		Concept of agency	<ul style="list-style-type: none"> • Agreeing client authority to act
A4B	Inter-professional relationships	Multi-disciplinary teams	<ul style="list-style-type: none"> • Methods of working/terms of engagement • Implications of sub-consultancy • Need for clarity with client re relationships
A4C	Role of other professions	Understanding their skills	<ul style="list-style-type: none"> • When/where and how to use other disciplines • Finding/engaging other competent professionals

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A5	PRACTICE MANAGEMENT		
A5A	Forms of private practice	Sole practitioner/partnership/company	<ul style="list-style-type: none"> Reasons for choice: financial/legal/size/flexibility
		Other forms of association	<ul style="list-style-type: none"> Nature of association determining choice: consortia/co-operatives/trusts, and the rules of their formation/governance/liability
A5B	Public practice including Non Governmental Organisations (NGOs)	Roles of Natural England, English Heritage and Groundwork Trusts or appropriate devolved body	
A5C	Employer duties	Statutory obligations	<ul style="list-style-type: none"> Health and safety Insurances Inland Revenue
A5D	Employer employee relationships	Statutory obligations	<ul style="list-style-type: none"> Contracts of employment Employment rights
A5E	Quality systems	Office organisation and procedures	<ul style="list-style-type: none"> ISO 9001 and how it's applied How quality management systems work The advantages of good system management Working for/with organisations that operate QA systems Procurement/product certification
A5F	Practice promotion	Advertising, publicity and PR	
B1	THE LEGAL SYSTEM		
B1A	Principles of UK law	Acts of Parliament, Private Bills statutes, common law, EC law	

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B1B	Principles of law relating to land and property	Trespass and nuisance	<ul style="list-style-type: none"> The principles of strict liability as demonstrated by the case of 'Rylands and Fletcher'
		Easements, way leaves and covenants	
		Rights of Way	<ul style="list-style-type: none"> Methods of extinguishment, creation and diversion as set out in Highways Act 1980 and Town and Country Planning Act 1990
B1C	Negligence		<ul style="list-style-type: none"> Statute of limitation, right to sue in negligence and under contract
B1D	Health and safety	Designer obligations	<ul style="list-style-type: none"> To the public and the contractor Use of Risk Assessments
B2	THE PLANNING SYSTEM		
B2A	Structure of the planning system	The concept of development control	<ul style="list-style-type: none"> The various Town and country Planning Acts
		Development plans	<ul style="list-style-type: none"> UDP/LDF/Structure plans/local plans - scope/timescale/process/approval Minerals waste and transport plans Forward planning v development control
B2B	Planning policy	National guidance	<ul style="list-style-type: none"> PPG's/PPS's/MPG's/NPG's/RPG's and planning circulars
		Regional/local guidance	<ul style="list-style-type: none"> UDP/RSS/LDF/Structure plans/local plans - use in development control Supplementary planning documents

	Section	Detailed study area	Application of knowledge
B2C	Planning procedures	Development control	<ul style="list-style-type: none"> • The nature of development • Use class orders • The need for consent and permitted development • Special development areas - their use and role • Conservation Areas/Listed buildings/registered parklands • Archaeology/Scheduled Ancient Monuments/Scheduled battlefields • World Heritage Sites
		Outline and detailed applications	<ul style="list-style-type: none"> • Their differences/procedures/limitations/timescales • To whom applied/the process/consultees/recommendations/committees • The appeal process and calling in • Reserve matters/planning conditions/section 106 agreements • Planning Inquiries - process/timescale/decision/appeal • Enforcement • Building Regulations - the relevant sections of Part H, Part K and Part M
B2D	Transport and utilities	Procedures for highways/utilities	<ul style="list-style-type: none"> • Responsibilities of the Highways Agency and Utility Companies • Section 278 agreements
B3	ENVIRONMENTAL POLICIES		
B3A	Environmental assessment (cont'd on the next page)	Environmental statements	<ul style="list-style-type: none"> • Frameworks legislation/schedules • Screening and scoping • Content and relevance to landscape architecture • Approved techniques • Inter-relationship with other disciplines • Methods of assessing impacts, problems and limitations • Mitigation techniques • Monitoring - necessity and effectiveness

	Section	Detailed study area	Application of knowledge
	Environmental assessment (cont'd)	Environmental agencies	
B3B	Trees and woodlands	Forestry Commission	<ul style="list-style-type: none"> • Its remit and authority • Range of grants available • National Forest and Community Forests
		Tree Preservation Orders	<ul style="list-style-type: none"> • Their impact on planning procedures/applications/permissions • Trees in conservation areas • Works to trees/fines
		Owner/manager obligations	<ul style="list-style-type: none"> • Health and safety • Trees in relation to construction
B3C	Designations	Countryside area designations	<ul style="list-style-type: none"> • National Parks/AONB • Green Belt/Areas of great landscape value • ESA
		Ecological/wildlife	<ul style="list-style-type: none"> • SSSI/Ramsar/SAC/cSAC - their designation/purpose/restrictions • Nature reserves • Hedgerow Regulations • Protection of species - which and why • Licensing/working with protected species
B3D	Statutory & non-statutory registers	Register of Parks and Gardens	<ul style="list-style-type: none"> • Their purpose/scope/limitations
		Listed buildings	
		Sites and Monuments Record	
		Scheduled Ancient Monuments	<ul style="list-style-type: none"> • Impact of designation • Licensing/working within protected areas

	Section	Detailed study area	Application of knowledge
	Landscape conservation	Conservation Agencies	<ul style="list-style-type: none"> EN(SNH)/EH (CADW) - their role and responsibilities Consultations Administration of grant aid
B3E	Grant Aid/Funding	Funding Organisations	<ul style="list-style-type: none"> Lottery/Countryside Agency/MIRO etc (or appropriate devolved body) The agencies and their individual remit
		Applications/payments	<ul style="list-style-type: none"> Applications and stages procedures Payment applications/documentation/monitoring
B4	ENVIRONMENTAL CONTROL		
B4A	Minerals, extraction & landfill	Minerals Act	<ul style="list-style-type: none"> Impact on landscape and management plans
		Aggregates Levy	<ul style="list-style-type: none"> Its purpose and application The parties/who pays/to whom/the beneficiaries
		Landfill tax	<ul style="list-style-type: none"> The purpose and application of Landfill Tax The parties/who pays/to whom/the beneficiaries
B4B	Pollution control & environmental management (Cont'd on the next page)	Legislation and controls	<ul style="list-style-type: none"> Environment Protection Act and Part 11A Contaminated land Responsibility for remediation Role of the EA
		Water regulation	<ul style="list-style-type: none"> Nitrate vulnerable/sensitive areas EA best practice survey techniques
		Waste regulation	<ul style="list-style-type: none"> Waste transfer notes
		Pesticide controls	<ul style="list-style-type: none"> Implication of COPR and COSHH regulations Competence for use of pesticides

	Section	Detailed study area	Application of knowledge
		BREEAM	<ul style="list-style-type: none"> • Procedures and importance of code assessment criteria
B5	CONTRACT LAW		
B5A	Essentials of a valid contract	Components of contract	<ul style="list-style-type: none"> • Purpose of contracts
		Latent Damage Act	<ul style="list-style-type: none"> • Termination/performance or non-performance
B5B	Limitations of action and latent damage	Collateral warranties	<ul style="list-style-type: none"> • Extent of liability • Use and limitations/obligations relating to PII • Intentions of the Act and its effects
C1	CONTRACTS		
C1A	Major construction contracts	PFI/2 stage tendering	<ul style="list-style-type: none"> • Awareness of process and use, and implications for LA's
	Different types of contract	Design and Build contracts	<ul style="list-style-type: none"> • Awareness of roles and responsibilities of parties, benefits • Framework Agreements
C1B	Landscape contracts	Different types of contract	<ul style="list-style-type: none"> • When, where and why each is used, and payment method • Landscape maintenance contracts - essential differences
	Standard forms of agreement (in particular the JCLI)	JCLI/JCT/ICE etc	<ul style="list-style-type: none"> • Why standard forms are used • Purpose for which each is used and why • Role and obligations of the various parties
C1C	Sub-contracting & sub-contracts	Sub-contract documents	<ul style="list-style-type: none"> • Differences to the main contract • Nomination and naming - differences and problems
		Novation	<ul style="list-style-type: none"> • Use and application

	Section	Detailed study area	Application of knowledge
C1D	Contract documents	Function of the 4 elements	<ul style="list-style-type: none"> • Hierarchy of use • Advantages/use of Bills of Quantities • Reasons to vary standard conditions • Reasons to include damages and level at which set • Use of extended aftercare and implications within a construction contract
		Standard specifications	<ul style="list-style-type: none"> • Use and value of using • Co-ordinated Product Info (CPI) • NBS
		Housing Grants, Construction & Regeneration Act	<ul style="list-style-type: none"> • Intention of the legislation • Scope and limitations, and use of 'the Scheme' • Payment provisions • Principles of adjudication
C2	PRE-CONTRACT AND TENDERING PROCEDURES		
C2A	Selecting contractors	Methods of selection	<ul style="list-style-type: none"> • Approved contractors lists/standing lists and their application • Long and short listing - why and how • Financial, technical and quality references, and how to assess
C2B	Tendering methods and codes	Documentation for tendering	<ul style="list-style-type: none"> • Confidentiality in tendering • Amendments during the tender period/notices to tenderers • Timescales for receipt and requests for tender extension • Receipt and opening formalities
		JCT Practice Note 6 (2002)	<ul style="list-style-type: none"> • Principles of the two options • Practicalities of making adjustments

	Section	Detailed study area	Application of knowledge
		Tender reports	<ul style="list-style-type: none"> • Scope and content • Factors in making a recommendation/post tender interviews • Dissemination of results
C2C	Letting the contract	Signing the contract, letters of intent, bonds	<ul style="list-style-type: none"> • Where and when letters of intent used • Preparation of documents • Signing: who by/when/order of signing • Performance bonds: when and why used, and their value
C3	CONTRACT ADMINISTRATION		
C3A	Duties & responsibilities of all parties	Insurances, security & safety	
C3B	Control of the works	JCLI supplementary memoranda	
	Clerk of Works	Pre-start meeting	<ul style="list-style-type: none"> • Appointment, use and value of
	Inspections/site meetings		<ul style="list-style-type: none"> • Timing and best use of • Recording/minuting • Obligations to inspect
C3C	Quality of work	Establishing standards	<ul style="list-style-type: none"> • Methods of achievement • Defects
C3D	Instructions & variations		<ul style="list-style-type: none"> • Their differences and use • Site instructions • Methods of valuing • Implication of client changes • Use of Prime cost and Provisional sums • Use of contingency

	Section	Detailed study area	Application of knowledge
C3E	Valuations & certification	Formal documentation	<ul style="list-style-type: none"> • Frequency and timescale for production and payment • Valuing materials off site or unfixed • Purpose and use of retention, and when released
C3F	Delays and disputes	Claims procedures	<ul style="list-style-type: none"> • Requests for extension of time/valid reasons • Contractual and financial implications of EOT • How to assess claims and reasons for rejection • Valuing claims
		Liquidated & ascertained damages	<ul style="list-style-type: none"> • Basis of decision to apply
		Determination	<ul style="list-style-type: none"> • Dealing with non-performance • Bankruptcy and insolvency
C3G	Practical completion	Formal procedures	<ul style="list-style-type: none"> • Inspection and documentation • Legal status - implications for insurance and health and safety
C3H	Maintenance & Rectification Period		<ul style="list-style-type: none"> • Contractual/financial differences between them • Dealing with varying rectification period timescales within a single contract • Implications of 'client maintenance' on plants rectification period
C3I	Final &/or annual accounts	Completion	<ul style="list-style-type: none"> • Agreement of the final account • Procedures and formal documentation • Legal significance
C3J	Maintenance contract procedures		<ul style="list-style-type: none"> • Dealing with defaults

Summary of changes

The following are changes between this and the first edition, published in 2006. Text in bold is new in this edition.

A1A	Wording change “ versus ” changed to “compared with”
A1C	Wording change “Role and remit of the Landscape Institute”
A2B	Application of Knowledge column entry moved from A2A to A2B.
A3A	Addition to “Novation” = Why and when used, documentation used
A3C	Addition to “Collateral Warranties” = CIC and RIBA Standard Documents
A5B	Addition of “ Roles of Natural England, English Heritage and Groundwork Trusts or appropriate devolved body ”
A5D	Wording change from “duties” to “ relationships ”
B1B	Wording change from “Principles of law relating to land” to “Principles of law relating to land and property ” Wording change under “Trespass and Nuisance” - “ The principles of strict liability as demonstrated by the case of 'Rylands and Fletcher' ” Wording change under “Rights of Way” - “ Methods of extinguishment, creation and diversion as set out in Highways Act 1980 and Town and Country Planning Act 1990 ”
B2A	Addition of LDF to Development Plans
B2B	Addition of PPS and NPG to National Guidance types. Addition of RSS and LDF to Regional/local guidance types and removal of Community Strategies.
B2C	Addition to “Outline and Detailed Applications” = Building Regulations – the relevant sections of Part H, Part K and Part M.
B2D	Addition to “Procedures for highways/utilities = Responsibilities for the Highways Agency and Utility Companies and Section 278 Agreements.
B3B	Removal of Felling Licenses from Forestry Commission
B3E	Addition to “Funding Organisations” = (or appropriate devolved body)
B4B	Addition of BREEAM: Procedures and importance of code assessment criteria

C1A	Addition to “Design and Build Contracts” = Framework Agreements
C1D	Addition to “Standard Specifications” = NBS Removal of SMM – use and value of using, limitations for landscape works
C2B	Wording change “secrecy” changed to “ confidentiality ” Wording change “NJCC Code of Practice” updated to “ JCT Practice Note 6 (2002) ”
C3H	Wording change from “Defects Liability Period” to “ Rectification Period ”