

# Planning Law Accreditation Scheme

## Guidance

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## **A. An introduction to the Accreditation Scheme**

The Planning Law Accreditation Scheme covers all work undertaken by solicitors and suitably qualified Fellows of the Institute of Legal Executives (FILEX) arising out of the processes of obtaining planning permission for the erection or change of use of buildings.

It covers all aspects of the work involved, including negotiations, disputes and appeals.

Practitioners who are not scheme members will remain free to undertake planning law work but will not be identified as specialists.

## **B. Who is eligible to apply for membership?**

Solicitors and FILEX may apply.

## **C. What types of membership are available?**

There is one type of membership available - Law Society Accredited Practitioner.

Memberships last for 5 years, after which members are required to apply for re-accreditation.

You can apply for membership using two different routes;

- Royal Town Planning Institute (RTPI) Legal Associate membership
- Grandparenting

## **D. The level of experience you will be required to demonstrate**

You can apply if you have personally been conducting planning law cases for at least 3 years. Without such experience it is unlikely that you will be able to demonstrate expertise as a planning law specialist.

Applicants must also demonstrate that they have spent a minimum of 300 hours per year in each of the three years prior to your application on practical planning law work (associated work will not be considered relevant).

## **E. How to apply and what you should include**

All applications for Law Society Accreditation Schemes are in three sections.

Section 1 covers details of the practice you work for.

Section 2 covers your individual details.

Section 3 is scheme specific.

You will be required to fully complete each section, and forward your completed application, with the relevant fee, to the Law Society.

- **Royal Town Planning Institute (RTPI) Legal Associate Membership**

You must be a legal associate member of the Royal Town Planning Institute (RTPI)

- **Grandparenting**

You may submit a 5,000-word paper on a planning law topic which will be assessed by one of our scheme assessors.

The paper should:

- be predominantly on a town and country planning law or planning related legislation topic
- be of a standard equivalent to a professional presenting material to another professional
- be presented in a structured format including an introduction, conclusion and summary
- include reasoned arguments
- make reference to current statute and appropriate case law (enacted or published up to three months before submission of the paper)
- be well presented

Marks will also be awarded for originality and the extent to which the paper tackles current issues in planning.

## **F. How you will be assessed**

On receipt of your application form, we will send your application to be marked by one of our independent assessors.

Applications received through the Grandparenting route are scored against each of the criteria specified above. Applicants are required to demonstrate a range of practical experience in the three years preceding their application. Although certain questions require a yes/no answer, applicants are invited to summarise in no more than 300 words how they have satisfied the requirements of each question. The applicant is also invited to outline his or her general planning law experience. Points are allocated depending on the level of experience demonstrated in these sections. Depending on the overall score achieved, an applicant will either be accredited, asked to supply further information, deferred, or failed.

## **G. What other checks and assessments are made?**

You must demonstrate that you are a fit and proper person to become an accreditation scheme member, and must continue to be so throughout your membership. The Law Society reserves the right during the currency of any voluntary scheme membership to investigate any matter which may call into question the fitness and propriety of any scheme member to act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

The Law Society will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence.

The Law Society will also be concerned with any practice in which you may have engaged in the course of any business or employment which do not conform with the best standards of professional conduct. Evidence showing delays in dealing with cases, failure to answer correspondence and failures or delays in responding to enquiries from regulatory and revenue authorities will raise doubts as to your competence to remain a scheme member.

The assessment of fitness is not a mechanical exercise whereby compliance with a number of specific requirements ensures the grant of an authorisation. It is rather a judgement based on the review of your whole record and individual circumstances.

If the Law Society, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to continue to be a member of the scheme, or that the fitness or propriety to act as such has been compromised, it may refuse, revoke or suspend the membership or attach conditions to it. Members affected by a decision taken under this paragraph have a right to request a review in accordance with the procedures set out elsewhere in this document.

Where a complaint or other matter which may affect your suitability to remain on the scheme is considered to be of sufficient seriousness, the Law Society may suspend your membership pending the completion of the investigation and any proceedings as may arise.

## **H. What fees are payable for making your application?**

The fees payable for this scheme are;

£500 + vat for an initial application (total £600.00)

£450 + vat for an application for reaccreditation (total £540.00)

There is a 20% discount available to applicants from Lexcel accredited practices.

## **I. Information on re-accreditation**

The purpose of re-accreditation is to ensure that members are maintaining the standards, systems and experience necessary to satisfy the Law Society as to their competence. It is not a re-examination of a members' original submissions.

Members will be sent a reminder 3 months prior to the expiry of their membership that they are due to re-accredit.

Applications for re-accreditation have the same sections 1 and 2 and all Law Society Accreditation Scheme applications, with a separate section 3 specific to reaccreditation for the scheme.

## **J. Our requirements for continued professional development**

Your CPD training record covering the previous three years must be included when you apply for re-accreditation.

You should make clear;

- All CPD training events attended;
- Any training events at which you have presented any lectures or talks relevant to planning law
- Those training events which you identify as furthering your knowledge of planning law practice, law and procedure.

**K. What standards of competence are expected of a member of the scheme?**

**Areas of law**

- Negotiations with or on behalf of local authorities
- Drafting planning applications
- Conduct of planning appeals
- Disputes over breaches of planning controls
- High Court actions and judicial review
- Listed buildings
- Conservation areas