

RICS Assessment of Professional Competence (APC) for rights of light

Contents

1	Introduction.....	2
2	RICS requirements	4
3	What the candidate must do	5
4	RICS forms.....	8
5	Continuing Professional Development (CPD).....	8
6	The diary	9
7	Planning to complete	9
8	Competency requirements.....	13
9	The case study	21
10	Preliminary route checking	23
11	The presentation.....	23
12	The APC interview	24

1 Introduction

RICS has now launched a specialist route to becoming a chartered surveyor for those following the career pathway of rights of light (RoL) in the Land and Resources Pathway. While this has now been available for a while and a significant number of surveyors are at varying stages ranging from first application through to a few having passed their assessment of professional competence (APC), the pathway is still gathering awareness. This appendix explains what has been learned from the process undertaken by the early applicants and how this pathway will help make a candidate a chartered surveyor in this highly specialised segment.

APC candidates who have engaged on this journey range from those who started their careers working with the architectural technologist and software side of the office, through to those who may originally have undertaken RICS Accredited Degrees in building surveying route but have found employment within a specialist practice. While historically rights of light were a building surveying skill, the modern APC has prevented many capable practitioners from achieving MRICS because their practice was unable to offer the breadth of experience necessary to fulfil the requirements of RICS. A common pitfall for future building surveyors is the requirement to obtain contract administration experience, closing the pathway to membership for those working in a specialist professional consultancy. The new route seeks to solve that problem and provide a means for all these individuals to achieve chartered status.

The assessment framework remains the same as for all other pathways into the profession and can be summarised as follows.

Entry status	Assessment	Process		Submission documents	
Accredited degree and up to 5 years' experience	APC	24 months (400 days) minimum structured training	Professionalism module and ethics test	5500-word summary of experience, 3,000-word case study and CPD record	Assessment interview
Accredited Degree and 5-9 years' experience	APC	12 months (200 days) minimum structured training		5500-word summary of experience, 3,000-word case study and CPD record	
Accredited Degree and 10 years or more experience	APC	Straight to assessment		5500-word summary of experience, 3,000-word case study and CPD record	
Any degree or relevant professional qualification, 5 years' experience and/with at least 1 post degree qualification	APC	Preliminary review		5500-word summary of experience, 3,000-word case study and CPD record	
Senior position and 10 years' experience with no degree, or 5 years' experience with relevant degree	Senior Professional Assessment	CV and 400-word profile statement review		400-word profile, 3 x 1,000 to 1,500-word case studies and CPD record	
Specialist profile and 10 years' experience with no degree, or 5 years' experience with relevant degree	Specialist Assessment	CV and 400-word profile statement review		400-word profile, 3 x 1,000 to 1,500-word case studies and CPD record	

Table 1: Assessment framework

Unfortunately, the pathway is closed to rights of light practitioners seeking to train the next generation of practitioners via an apprenticeship. The RICS Degree Apprenticeship is only currently accepting candidates working towards becoming a chartered building surveyor or chartered quantity surveyor. This is a government limitation imposed via the apprenticeship scheme and it is hoped that if employer and candidate interest can be proved, it will be allowed for RICS Accredited Degree Courses in building surveying to feed apprentices into either the chartered surveyor and/or chartered building surveyor pathway.

See the separate RICS Assessment of Professional Competence (APC) for rights of light.

2 RICS requirements

For the RoL route, the APC requires the candidates to have knowledge of and demonstrate abilities to advise clients (level 3) in connection with 3D modelling and surveying of properties, limitations of and accuracy of information, different modelling techniques, light formulas and error sources in computer models and the software. The scope is wider than pure legal RoL as a candidate must have both planning and environmental consultancy competence dealing with daylight, sunlight, overshadowing, solar glare, etc. and identifying and advising on risks in relation to the lifecycle of a project, ways in which to remove risks, report writing, Environmental Statements, planning policy issues, appeals and representations. As a specialist pathway the candidate must demonstrate a depth of knowledge of level 3 advising clients within the complex and challenging professional area.

The APC requires the following core technical competencies within the Land and Resources pathway:

- Access and rights over land (level 3)
- Client care (level 3)
- Legal/regulatory compliance (level 3)
- Measurement (level 3)
- Risk management (level 3)
- Sustainability (level 2).

The candidates are required to select a total of five technical competencies to level 3 and three to level 2, which means they must select two more technical competencies from the full available list. To meet the requirements overall, the candidates must achieve the required levels in all the mandatory competencies as well as the core technical competencies and the optional technical competencies.

The mandatory competencies are listed as follows:

Level 3

- Ethics, Rules of Conduct and professionalism

Level 2

- Client care
- Communication and negotiation
- Health and safety

Level 1

- Accounting principles and procedures
- Business planning
- Conflict avoidance, management and dispute resolution procedures

- Data management
- Diversity, inclusion and teamworking
- Inclusive environments
- Sustainability

Anyone going for the senior professional route will also have to add the following mandatory competencies at level 2:

- Leadership
- Managing People
- Managing Resources (excluding HR).

3 What the candidate must do

The RICS APC pathway guide contains advice on the requirements to achieve each level of competency along the following lines:

Level 1 – knowledge and understanding

Level 2 – application of knowledge

Level 3 – reasoned advice, depth and synthesis of technical knowledge and its implementation.

Candidates at level 1 must be able to demonstrate knowledge and awareness of the subject matter relevant to the competency, sufficient to be able to hold a conversation at a professional level. This is therefore above the basic fact awareness obtained within the degree training and requires candidates to gain both work experience knowledge plus post-degree CPD training. For example, a candidate should be able to identify a right to light as a negative easement that might be acquired by prescription under the 1832 Act, among other ways. This is therefore applying the degree knowledge of the law of land and property, placing the context into the professional work-based knowledge. Candidates would also need to be aware of the practical application of such things as Lost Modern Grant, the Rights of Light Act 1959 and the BRE guidance BR209 (and especially the latest 2022 edition) as well as relevant RICS standards. Depending on context, this knowledge base is used to inform practice, so a level 2 skill, or ultimately can be at the heart of the advice to client at level 3.

The APC is therefore not simply an academic test of knowledge. This is further seen at level 2 when the candidate must demonstrate the use of their knowledge to perform practical professional tasks. It is important to remember the difference between level 2 – practical operational knowledge and skills – versus level 3 – giving reasoned advice. Level 2 tasks can highlight and lead to specific conclusions and result in ‘advice’ being given, but not always. They might, for example, be able to identify a project where they were able to demonstrate that a right to light had been acquired through transference and that the client was advised to either modify their design or obtain suitable insurance against a claim. If the candidate gathered the data and measurements that is ‘doing,’ if they undertook the presentation to

the client and had ownership of the advice issued that is level 3. Common APC pitfalls are candidates are very experienced at 'doing', however as a junior staff member they may not have been empowered to exercise the level 3 advising skill.

To meet the requirements of level 3 the candidates must have progressed to the point where they can explain why they would give certain advice and how this would be presented to a client wishing to understand the implications of such advice. For example, the candidate could identify a project where a number of surrounding properties might be affected by a proposal. In some cases, a minor change of envelope would remove the risk whereas in others there would be too much loss of accommodation for the viability of the project and the candidate would need to explain the comparative merits of insurance, negotiation, or perhaps section 203 appropriation.

The ideal for both employer and candidate is that the APC training is under a structured training agreement with an experienced RICS APC Counsellor in the candidate's direct daily line management. Working for two years under the direct supervision of an experienced chartered surveyor is the most rewarding training experience both for the candidate and the APC Counsellor.

Not all companies undertaking rights of light services are currently registered with RICS as 'Regulated by RICS', and so the candidate will need to obtain a commitment from their employer to support their application in all respects. This might, for example, include ensuring a compliant complaint handling system that they previously did not have and adoption of a culture of compliance with RICS standards. The candidate will also need to identify and engage with an RICS qualified counsellor, preferably with APC assessment experience, and ensure that their supervisor in their practice is willing to guarantee that the candidate is given the breadth of experience necessary to achieve each of the competencies.

Becoming an APC Counsellor is relatively straightforward for an experienced chartered surveyor. RICS run a free online training course that takes two hours to complete with an online assessment test at the end. This will update the RICS member on the current APC requirements, the scope of their duties and how best to support the candidate. It is therefore not an accreditation to be feared and if the member is seeking to support an APC candidate this is a particularly useful course. While the RICS system is allowing external providers to meet this requirement, really all chartered surveyors with an interest in the next generation should aspire and want to give back to the profession.

With all this in place it is now down to the candidate, with help from their supervisor, to establish a programme to ensure they are ready to submit their evidence in a reasonable time frame. The structured training route requires at least two years' experience and the time limit for sitting the assessment is currently six years from registration. Since the assessments are conducted in Spring and Autumn it is rare that a candidate will finish in two years, but two and a half years is certainly achievable provided the candidate commits to the process, is full supported and, possibly most crucially, life does not get in their way.

A typical programme produced for the counsellor will show:

- each competency, including the mandatory ones
- the months when the evidence of each competency level will be submitted for review
- the drafting of the case study (allowing for at least five iterations)
- planned CPD (it is not necessary to identify all CPD at this point)
- time for mock interviews, one prior to submission and at least one following submission, and
- the submission date target.

The purpose of the programme is to give the candidate a tool for managing their progress. The counsellor and candidate can meet every three months to monitor progress against the programme and, where necessary, discuss how to adjust or extend targets. The counsellor can then discuss this with the supervisor to ensure they are aware of what is needed.

In an ideal world the candidate will then work to the programme, producing written evidence at each level of each competency and sending these through to the counsellor for review. The job of the counsellor is to provide a swift response advising the candidate where the work is good or where improvement is required. Many candidates on this route have minimal experience of writing in the required format and it is tempting for any counsellor to rewrite the piece, but the finished article must be the candidate's own words. Assessors want to see grammatically correct, spellchecked documents but can often tell when the document reads as if it has been written by someone else. RICS does use plagiarism software on all submissions and unfortunately APC candidates have faced disciplinary action for copying other submissions.

As an aside, it has been known for candidates to assume that they only need to write about each competency at the highest-level requirement, but it is necessary for them to demonstrate their understanding at each level and, where possible, link this to a relevant project to which the assessors can refer during the interview. For rights of light surveyors, even where they have client permission, they should exercise caution in identifying a project beyond geographical location as this might breach confidentiality requirements with interested parties such as insurers.

The candidate should begin selecting their case study project about one year prior to the submission date. This allows for development of the documentation, identifying the relevant issues, options and recommendations, and for the process of review with their counsellor and a mock prior to submission, which occurs typically up to three months prior to assessment.

Unfortunately, the ideal world is rarely achieved. In far too many cases the candidates submit their documents in one lump expecting their counsellor to check everything, tick it off and sign them off to submit the assessment. Counsellors should resist this pressure and take as long as is needed for the review process, even if it means the candidate has to wait six

months extra to sit the assessment. Better this than to suffer referral for something that might have been avoided.

The candidate must also undertake the professionalism module and ethics test on the RICS website, within one year of their intended assessment. For practical purposes this should be done in the three months prior to submission but could, theoretically, be done at any time up to the assessment date.

Further information on this is available on the RICS website.

4 RICS forms

There are some things that the candidate needs to be aware of in connection with completing the forms provided by RICS.

Firstly, in connection with word count, note that the word count for the technical competencies is only met where all fields have been completed appropriately, rather than leaving the fields vacant or indeed removed. This is relevant where a mandatory competency to level 1 or 2 is taken as an optional competency to a higher level. The optional competency requires the lower-level competencies to be completed.

For example, sustainability as a mandatory competency at level 1 might include reference to sustainable business practices and this is recorded in the mandatory competencies. However, if taken to level 2 as an optional competency the candidate might also record level one in the technical competencies regarding such things as understanding of sustainability in terms of daylight and sunlight availability and use. They would then develop this to level 2 advising clients on such things as building orientation.

The presentation of the CPD record must reflect professionalism clearly identifying the difference between formal and informal training and be in chronological order when uploaded to the RICS portal. In particular the duration should be realistic. RICS also expects the candidates to consider taking part in technical meetings, evening lectures and professional conferences outside of their workplace to meet like-minded professionals, broaden their knowledge base and develop the mandatory competencies rather than relying on in-house training events that might not reflect best practice.

5 Continuing Professional Development (CPD)

The CPD requirements for APC candidates undertaking the structured training route over 2 years would be 96 hours of CPD. All other routes are over 1 year and 48 hours of CPD.

Many candidates make the mistake of trying to record all their CPD towards the end of their programme rather than as they progress. This is a big mistake! What impresses a panel is a clear CPD plan and working towards correcting weakness and building knowledge, skills and awareness.

In the first instance the candidate should ensure that they pick CPD that is relevant to their work. The best candidates will identify the CPD they think they need in order to improve their professional practice. This will be recorded as the reason (Why). They will then set out what they gained from the CPD (What) and, ideally, they will then link this to a level 1 competency by stating how they applied it in their work (How).

CPD can be recorded as formal or informal. Formal is usually in the form of attendance at an organised event such as a seminar, whereas informal might be from reading a textbook.

It is also a requirement to record ethical content and it is often the case that candidates do not think deeply enough about the CPD subject matter to realise that there was ethical content. This is critical as ethical awareness is fundamental to the profession and an assessment panel would have no option but to refer a candidate who has failed to appreciate an ethical aspect to their work.

Candidates should not make up their CPD to seek to falsely impress! Assessors may have attended that CPD event or have been the speaker, so assume that they are fully aware of the items listed.

6 The diary

Candidates should maintain a diary to assist them in completing their summary of experience. This diary should be no more granular than half days and it is necessary to divide time between the competencies so that each is relatively evenly represented. The diary is a useful tool when holding meetings with the supervisor and counsellor to ensure the candidate can get the right spread of experience over the period.

Mandatory competencies do not have to be recorded in the diary as these should be covered in everyday work. However, the summary of experience does require the candidate to explain their understanding in these areas and for this reason it is useful to make notes.

7 Planning to complete

The time taken to complete will vary from one candidate to another. Work pressures and personal events can impede progress and for this reason it is considered essential that a candidate has a plan that allows them to monitor their progress. In most cases a simple Gantt chart can be created to show at what stage they intend to submit each of their competencies at each level for review by their supervisor and counsellor but around this there should be a review structure that allows the supervisor and counsellor to help the candidate. For example, the supervisor can identify that a candidate is not gaining sufficient experience in one competency and is likely to miss their target unless they are provided with an opportunity to gain relevant experience.

The table below outlines how these reviews might be scheduled for a candidate following the structured training route.

Structured training		
	Month	
APC enrolment	1	Supervisor and counsellor appointed. Start Recording experience and CPD
	2	Candidate submits Gantt chart programme to S&C for review
3-month supervisor meeting	3	Review initial progress against programme and agree actions to address issues identified
	4	Candidate continues recording experience and CPD and submitting draft competency write ups for review
	5	Candidate continues recording experience and CPD and submitting draft competency write ups for review
6-month supervisor meeting	6	Review of submitted competencies. Level 1 target for this point
6-month counsellor meeting		
	7	Candidate continues recording experience and CPD and submitting draft competency write ups for review
	8	Candidate continues recording experience and CPD and submitting draft competency write ups for review
9-month supervisors meeting	9	Review of submitted competencies. Level 2 on mandatory competencies target for this point
	10	Candidate continues recording experience and CPD and submitting draft competency write ups for review
	11	Candidate continues recording experience and CPD and submitting draft competency write ups for review
12-month supervisor meeting	12	Identify suitable project(s) for case study
12-month counsellor meeting		Technical Competencies target for this point at level 2

	13	Candidate continues recording experience and CPD and submitting draft competency write ups for review
	14	Candidate continues recording experience and CPD and submitting draft competency write ups for review
15-month supervisor meeting	15	Review of submitted competencies. Level 3 on technical competencies target for this point
	16	Synopsis of case study to be agreed
	17	Candidate continues recording experience and CPD and submitting draft competency write ups for review
18-month supervisor meeting	18	Preliminary write up of case study to be reviewed. First draft
18-month counsellor meeting		
	19	Candidate to complete professionalism module and ethics test. Ensure level 3 achieved
	20	Preliminary write up of case study to be reviewed. Second draft (possibly more subject to review)
	21	Mock interview based on documents submitted and agreed draft of case study
	22	Amend documents following mock
23-month review with supervisor and counsellor. Earliest date to apply for final assessment	23	Case study complete
	24	Earliest date for final assessment interview

Table 2: Example review timetable to gain more experience

By contrast, a candidate following one of the other routes such as the preliminary review route might have a review process as set out in the table below.

Preliminary route		
	Month	
APC enrolment	1	Supervisor and counsellor appointed. Start Recording experience and CPD. Candidate submits Gantt chart programme to S&C for review
	2	Candidate continues recording experience and CPD and submitting draft competency write ups for review
3-month supervisor meeting	3	Review of submitted competencies. Level 1 target for this point
	4	Candidate continues recording experience and CPD and submitting draft competency write ups for review
	5	Identify suitable project(s) for case study Technical competencies target for this point at level 2
6-month supervisor meeting	6	Preliminary write up of case study to be reviewed.
6-month counsellor meeting		First draft
	7	Candidate continues recording experience and CPD and submitting draft competency write ups for review
	8	Case study to be reviewed. Second draft (possibly more subject to review)
9-month supervisors meeting	9	Candidate to complete professionalism module and ethics test. Ensure level 3 achieved
	10	Full review of all documents for submission
	11	Mock interview based on documents to be submitted and agreed draft of case study
Submit for preliminary review	12	

Table 3: Example review table

8 Competency requirements

The interpretation of the competencies given in RICS guidance will challenge candidates. Many of the competencies were written for professional practice that comes under various parts of the profession such as building surveying and land surveying.

Rather than attempt to rewrite the competencies to suit rights of light surveyors, the RICS have advised that:

‘each competency descriptor should be considered in the context of the candidate’s area of practice and geography, and the bullet point examples under each level is not an exhaustive list of requirements every candidate is required to demonstrate.

Candidates specialising in rights of light are expected to have a wider knowledge of basic principles of surveying, buildings and general aspects of development, but their assessment should largely reflect their thorough knowledge and understanding of the ROL specific areas highlighted in the pathway guide supplemental guidance. This includes more ROL-specific content to contextualise the competencies.’

The following tables describe how rights of light surveyors might interpret this guidance.

Competency	Level	Suggested content
Ethics, Rules of Conduct and professionalism	1	<p>Familiarity with the Rules of Conduct.</p> <p>Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS; maintain their professional competence and ensure that services are provided by competent individuals who have the necessary expertise; provide good-quality and diligent service; treat others with respect and encourage diversity and inclusion and act in the public interest, take responsibility for their actions and act to prevent harm and maintain public confidence in the profession.</p> <p>The candidate should clearly state the study and training completed to gain the knowledge and develop the skills behind this competency, such as completion of the free RICS Online Academy course on the Rules of Conduct and a pass of the online test.</p>
	2	<p>Example of use of ethical principles in practice and completion of the professionalism module and ethics test.</p>
	3	<p>Explanation of why it is important to act ethically and morally with reference to a project or situation where this was important. Many candidates will need help from senior colleagues in identifying situations where their ethics have been challenged and details of their appropriate response, but this is essential in order to demonstrate how they were not simply following the rules but exercising their professional judgement to advise and influence the client’s or company’s decisions.</p> <p>The most common example for rights of light surveyors will be one of avoiding conflicts of interest and due diligence.</p> <p>For further information, there is an RICS FAQs section on the Rules of Conduct and professionalism module.</p>

Competency	Level	Suggested content
Client care	1	<p>An understanding of the importance of establishing a proper brief and terms and conditions with the client and keeping this under review.</p> <p>As with all of the technical competencies, the candidate should state knowledge of any RICS guidance and provide examples of where they have gained their knowledge or training, such as CPD events.</p>
	2	<p>A practical example of how a client brief was evolved and how the client was kept informed throughout the project and, ultimately, client satisfaction as gauged.</p> <p>In particular the candidate could comment on how they seek to mitigate against any misunderstandings between themselves and their client, and perhaps establish an agreed timeframe with their client to discuss work progress.</p>
Communication and negotiation	1	<p>Communications in business can take many forms, including face-to-face conversations, emails, formal letters, reports, etc. These can be interpreted in many ways and for this reason it is important to ensure that they cannot be misinterpreted. Rights of light work often involves negotiation and using the correct form of communication is important. The use, for example, of without prejudice to protect the client's position legally.</p> <p>The candidate needs to ensure that their evidence of training encompasses both aspects of communication and negotiation and demonstrate an awareness of how one can affect the other.</p>
	2	<p>A practical example of the use of different forms of communication and negotiation, such as an open letter objecting to a development on behalf of the client and requiring a change in design with a separate, without prejudice, letter setting out a potential settlement.</p> <p>The example might also include what effective communication means when the candidate is employed to convey complex issues and how the negotiation strategies were used to avoid unnecessary reactions.</p>
Health and safety	1	<p>Knowledge of things such as personal risk assessments, what risks a surveyor might encounter and what information should be obtained prior to undertaking a survey.</p> <p>Reference should be made to the relevant guidance and competency test and any relevant health and safety legislation.</p>
	2	<p>Reference should be made to the relevant guidance and competency test and any relevant health and safety legislation.</p>

Competency	Level	Suggested content
Accounting principles and procedures	1	<p>At a basic level, an understanding of profit and loss accounts and balance sheets. There should also be an awareness of work in progress and the review of income against outgoings.</p> <p>The candidate should reference any accountancy training they may have received, either directly, or incorporating use of accountancy software packages.</p>
Business planning	1	<p>An awareness of the requirements of a registered practice including an awareness of the requirements for professional indemnity insurance, and a complaint handling system. Beyond this there should also be an awareness of the need to understand the requirements of RICS.</p>
Conflict avoidance, management and dispute resolution procedures	1	<p>Much conflict can be avoided through good communications, but where conflict does arise there are procedures and processes for dealing with them. For example, a CHP will include a methodology for assessing a complaint and responding to a client including the use of the ombudsman. Beyond this, an awareness of a hierarchy of dispute resolution ranging from mediation through adjudication, arbitration and litigation.</p> <p>The candidate should refer to their own internal procedures and specifically how they advise the client of those procedures should a complaint be raised.</p>
Data management	1	<p>An awareness of the requirements of GDPR. Understanding the data that a company obtains and how this is stored.</p> <p>Since confidentiality is a major issue for rights of light surveyors the candidate should include reference to this as well as the value of data, security, backing up of data and the impact of loss of data.</p>
Diversity, inclusion and teamworking	1	<p>A recognition that working collaboratively in a team is an essential part of surveying. Many projects involve multiple staff members, and everyone should be treated equally and with respect. No one should feel unable to express an opinion.</p> <p>Reference should be made to relevant legislation and relevant examples of good practice.</p>
Inclusive environments	1	<p>Recognition that the built environment needs to be inclusive and should not create barriers that could isolate or discriminate against individuals.</p> <p>A no-blame culture is important to the office environment, allowing people to grow their knowledge through involvement in the whole project, to ask questions and offer opinions is of benefit to the whole business.</p> <p>When referencing accessibility and accommodation issues in their own workplace there should be mention of any relevant regulations.</p>

Competency	Level	Suggested content
Sustainability	1	When considering sustainability in the mandatory competencies, the candidate should consider the application of sustainable working practices and simple practical options such as paper recycling. mn
Senior route – additional requirements		
Leadership	1	Demonstrate knowledge and understanding of the characteristics and behaviour of a leader. What attributes make a good leader, such as forward vision and communication skills.
	2	Evidence of the application of the skills required to manage people in the form of examples, such as recognition of contribution to the business not just by way of pay and/or promotion.
Managing people	1	Demonstrate knowledge and understanding of the principles and practice of managing people. What motivates people and ensures they give their best for the business.
	2	Evidence of the application of the skills required to manage people in the form of examples, such as recognition of contribution to the business not just by way of pay and/or promotion.
Managing resources (excluding HR)	1	Demonstrate knowledge and understanding of the resources required and their cost for the effective operation of a business. Excluding HR, people are by and large the biggest resource of a business. Beyond this is the accommodation and technology. Keeping pace with technological change is one the biggest challenges for a right of light consultancy.
	2	Evidence of the application in your area of practice, giving reasoned advice on the most effective use, allocation and cost of resources.

Table 4: Illustrations of competency levels – the mandatory competencies

Competency	Level	Suggested content
Client care	1	The candidate should describe how client care is applied in a technical environment. Most lay clients have no concept of the specialism or the services provided, and the ability to communicate technical matters is an important aspect of client care.
	2	The candidate should consider summarising services that they would complete within projects specifically relating to rights to light. These can be found in the neighbourly matters' services scope of services published by RICS.
	3	The candidate might describe a practical example of post commission review of a project with identified improvements resulting from their communications with the client.

Competency	Level	Suggested content
Consultancy services	1	<p>Under this broad heading the candidate should be able to identify the key elements required in the provision of consultancy service, from the taking of instructions and confirmation of service requirements through to completion.</p> <p>This competency is a general one with considerable overlap with other technical competencies. The optimum approach at level one will be to reference the neighbourly matters scope of services, which applies not just to rights of light but other areas of neighbourly matters services. Candidates should also demonstrate an awareness of things such as the different forms of procurement for consultancy services. Where not already covered under client care, mention can be made of elements such as the importance of agreeing a clear contract with clients and the need for the planning, timing and managing of consultancy interventions.</p>
	2	<p>An example of a technical service provided possibly where the client was unsure of the scope of work required and the candidate provided an explanation of possible courses of action to achieve their aim.</p> <p>At level 2 the candidate should be demonstrating a practical example of how they have influenced their client's decision through their provision of advice.</p>
	3	<p>A detailed explanation is required, using at least one example of a project, with an explanation of why the candidate gave advice that resulted in a course of action being taken. This will be akin to the case study.</p>
Legal and regulatory compliance	1	<p>Knowledge of all the relevant legislation and RICS standards with an awareness of relevant case law.</p> <p>Candidates should make themselves aware through CPD of RICS guidance available in and around their own subject area.</p>
	2	<p>An example should be provided of at least one project where relevant case law or guidance was used to advise a client.</p>
	3	<p>At least one practical example should be provided of where advice was given in accordance with case law, legislation or published guidance with an explanation of why this was the appropriate course of action.</p>

Competency	Level	Suggested content
Measurement	1	<p>Awareness of the different forms of measurement employed from 'brick counting' through to LIDAR surveys, and the inherent accuracy or inaccuracy of each. This information is contained in RICS standards. An explanation of the forms of measurement used in rights of light and BRE assessments, i.e. the use of Waldram Diagrams, etc.</p> <p>A demonstration of awareness of the appropriate levels and the implications of BS 17037 and the latest version of BR209 is advised.</p>
	2	<p>Reference should be made to at least one project where decisions had to be made regarding the appropriate forms of measurement to be used. For example a ZMap for quick but less accurate assessment.</p> <p>The candidate can describe how they might have used a distometer and other surveying instrument to verify the accuracy of the measured surveys or how they can check the results produced by software to ensure that errors have not occurred.</p>
	3	<p>Typically, this will require an explanation of the importance of accuracy in a project that might result in litigation or planning appeal and how to ensure that the results will stand up to scrutiny.</p> <p>Reference to a project where this was required and perhaps a mention of the importance of meta data being reported and why this is essential.</p> <p>More advanced knowledge can be demonstrated through an understanding of the current debates surrounding measurement of adequacy in rights of light cases but at level 3 this will only be possible if the candidate has been directly involved in discussions with the legal team.</p>

Competency	Level	Suggested content
Access and rights over land	1	<p>A basic knowledge of the law of easements and in particular negative easements in the case of rights to light. How these may be acquired or prevented. An awareness of the difference between positive and negative easements and licences and wayleave agreements would be beneficial.</p> <p>The candidate should also have an awareness of those rights that are implied versus those that would be explicit, as well as the effect of restrictive covenants as they relate to rights of light.</p>
	2	<p>The candidate should identify a project where consideration had to be given to whether a right had been acquired or could be prevented from being acquired.</p> <p>While there may be an awareness of more general matters identified in the competency guidance, the rights of light surveyor will focus on the application of the Prescription Act 1832 with relevant timings for the acquisition of a right to light. They should also know how the Rights of Light Act 1959, light obstruction notices (LON) and section 203 of the Town and Country Planning Act provide a potential option.</p> <p>Where restrictive covenants have been identified, the candidate will also identify how these may be dealt with and what advice they were able to give to a client short of seeking expert legal advice.</p>
	3	<p>Develop the statements at level 2 to explain why it is important to understand whether a right has been or will be acquired and actions that might be taken such as LON or s203, which do not remove the right but would, if successful, eliminate the risk of injunction.</p> <p>A practical example should be provided of a project where advice was given to a client in terms of risk management, including such things as insurance options. This too may reflect the details provided in the case study.</p>
Planning and development	1	<p>Knowledge of relevant town and country planning, and such things as permitted development. Link this to legislation/case law requiring approval of daylight and sunlight provision in the amendment.</p>
	2	<p>Describe evidential requirements for a successful planning application including pre-application discussions and analyses. If experienced at appeal or SoS, reference this.</p>

Competency	Level	Suggested content
Risk management	1	Clearly identify the risks associated with rights of light and daylight and sunlight from undertaking the right form of assessment through to the risks potentially faced by the client and how each of these can be managed through professional service.
	2	An example of at least one project where the client required advice on risk management options. The available options should be stated but could reflect the case study.
	3	Using a practical project example, such as that in the case study, the candidate should describe how they have assessed the risks in order to provide relevant advice to the client, with an explanation of why that advice was most appropriate in the circumstances. This is an area with potential ethical issues and the candidates should take great care to explain how any ethical risks are managed. For example, the courts have expressed a view on the failure to communicate with neighbours prior to any action. The candidates can discuss why this is relevant.
Landlord and tenant	1	An awareness of basic landlord and tenant law in connection with rights of light. What terms are implied by statute or case law, what are the duties of a landlord in respect of quiet enjoyment for example and where might they find relevant clauses of which they should be aware before seeking legal advice. Knowledge of such cases as <i>Wheeldon v Burrows</i> and section 62 of the Law of Property Act 1925 as well as the cases such as <i>RHJ Limited v FT Patten (Holdings) Limited</i> and <i>FT Patten Properties (Liverpool) Limited [2007]</i> will affect any advice that the candidate might provide.
	2	An example project where tenant's rights were considered and valued, linked to any specific legal advice obtained. The candidate may have experience of valuing a tenant's interest in light and apportionment of damages and provide an explanation of how this was accomplished.

Competency	Level	Suggested content
Sustainability	1	<p>The mandatory competency will have covered such things as sustainable business. This technical option should extend to describe aspects such as those to be found in the latest version of BR209 including, for example, photovoltaic efficiency in design considerations.</p> <p>It is also relevant to demonstrate an understanding of the environmental benefits relevant to their area of work such as the balance of daylight to reduce power usage for lighting against the cost of air conditioning to deal with overheating through large, glazed areas (solar gain).</p>
	2	<p>Examples of advice given in connection with window sizing, building orientation, etc. and reference to specific BRE guidance to demonstrate that the selected project has taken account of best practice and advised the client in this regard.</p>

Table 5: Illustrations of competency levels – optional/technical competencies

9 The case study

The case study is intended to demonstrate the candidate's experience on an actual project where they have had responsibility for advising a client. The word count requirement (with the exception of the senior routes) is just 3,000 words so it is usually impossible to write everything that can be written about a single project. The candidate should identify two significant issues that had options for resolution, how they were considered, weighed against one another and the advice that was given to the client. It is not an issue if there is only one resolution. The candidate should evaluate what they have learned from the project and how this might affect advice they give in the future.

The format of the case study is recommended by RICS, but it is possible to adjust this to fit specific circumstances of the rights of light route. It is important that there is a confidentiality statement at the outset. Specifically, the candidate should not disclose any information that might allow identification of the project by an interested party or contravene the requirements of insurers. After this, a typical set of headings is as follows:

- 1 Introduction
 - a Client instruction
 - b My role
 - c The site
 - d Stakeholders
 - e Timeline
 - f Scope of case study

- 2 The issues
 - a Key issue one
 - b Key issue two
- 3 My approach
 - a Key issue one
 - b Key issue two
- 4 My achievements
 - a Reflective analysis
 - b Lessons learned
- 5 Conclusion
- 6 Appendices
 - a Appendix A – Competencies achieved
 - b Appendix B – Test results
 - c Appendix C – Location of most sensitive neighbour

The importance of the introduction is to give the assessors enough information about the project for them to understand the context and the candidate's level of involvement overall. They will then be able to adapt their questioning accordingly. For example, a candidate who did their own CAD modelling and analysis would be questioned differently to one who instructed someone else.

With the strictly limited word count the candidates must choose what to include from their case study. It may be, for example, that they elect to deal with two issues relating to daylight and sunlight study even though, to any informed observer, there will have been rights of light issues. Therefore, it is useful to set out the scope of the case study and acknowledge that there was this other element involved.

Identification of the issues is important. This is simply an overview of the issues selected and the rationale for their selection, i.e. that there were options for the approach and that the client needed to be advised of the implications and that a recommendation was required from the candidate.

The candidate then approaches the issues by analysing the options available, and comparing and contrasting the benefits of each to the client and the other stakeholders. Each issue should conclude with the recommendation made to the client.

It is possible at this point to introduce information about whether the client accepted the advice and any outcome, or to place this information within the reflective analysis. However, it is particularly useful if the candidate can look back over the project and see what they might do differently in future, particularly where a client has an attitude to risk that might

mean different advice being given. Certain things might have been done differently or in a different sequence and this is all part of the learning process and not an admission of negligence. From this perspective it is always useful to be able to describe any lessons learned.

The conclusion must not introduce any added information. It should be, in essence, a summary of study.

10 Preliminary route checking

For those candidates undertaking a preliminary submission they should be aware that the reviewers will be expecting all of the required competency levels to be fully demonstrated in the written work before a full submission is recommended. Where this is achieved, the candidate will be able to apply for the next APC sitting. In addition, the reviewers may make recommendations for minor amendments prior to submission, or they may hold the opinion that the candidate's documents are not ready to submit, in which case a detailed review will be provided for the candidate to address before resubmitting for preliminary review.

11 The presentation

It is recommended that the candidate should do a mock presentation before submission (including the preliminary route) as this may throw up issues that can be addressed by amending the submission documents.

The requirement for the presentation itself is a ten-minute talk about the case study. Timing is critical and ten minutes is not a lot of time, so preparation is key. The assessors will have already read the full submission and so the candidate should try to avoid a simple recitation of the written work.

They should start by providing an agenda so that the Chairperson may be aware of their progress against time. If the agenda suggests that there is much more to come when the ten minutes has expired, they will stop the presentation. If the candidate is close to finishing, some tolerance will usually be allowed.

The typical format of a presentation will be as follows.

- Introduction reminding the assessors of the location of the project and the key issues identified. (Also state any exclusions, e.g. only daylight and sunlight discussed although RoL considered separately).
- Outline of the issue being discussed in the presentation.
- Detail with images where possible explaining the options and how issue decided.
- Update where possible providing added information.

Pre-interview preparation

Most candidates find it advantageous to have more than one mock interview and preferably with people from different practices. This helps to assess their abilities when asked questions from different perspectives.

12 The APC interview

Originally all interviews were face-to-face but with COVID-19 many moved online, and so the process and timing will differ slightly depending on the format. For example, in a face-to-face interview it will be clear to the panel that the candidate does not have anyone or anything assisting in their answers whereas online there must be some precautions taken to ensure that this is the case.

In general, the chairperson will make introductions and then invite the candidate to proceed with their presentation, when they are ready, with a warning about timing. The candidate should ensure they stick with their agenda as the chairperson will use this as their guide as to whether the candidate will finish on time. It does allow a small amount of tolerance with a slight overrun.

Once completed the chairperson will invite the assessors to ask questions based upon the presentation. This allows them to explore any added information provided during the presentation as well as testing the level 3 understanding employed on the project. This questioning is limited to about ten minutes, following which the chairperson will ask the assessors to move on to questions about the various competencies documented by the candidate.

In well-managed interviews the chairperson will have agreed with the assessors beforehand which competencies each would ask questions upon, and the assessors will have a block of approximately 15 minutes each to ask questions based on those competencies. This is not a great amount of time, and the assessors have a duty to the candidate to cover them as broadly as possible. In some cases, the first question in a competency may be at level 1 or level 2 with a follow up at level 3 but in others the assessor will need, for expedience, to jump in at level 3. If the candidate's documents have been properly prepared, the assessor will ask the question in the form of 'on this project in south London you refer to ...'. This helps the candidate to focus on their actual experience and also avoids hypothetical questions. However, rights of light candidates have to be careful to preserve confidentiality for their clients and should all their projects be in south London they will need to have additional identifiers to ensure they can immediately understand which project the assessor is referencing.

Rarely, the chairperson will step in with a supplementary question but more often will simply conclude one assessor's questioning with a transitional question before passing to another assessor.

Candidates should understand that the assessors should not ask hypothetical questions. All questioning should be based upon their actual experience, whereas the chairperson might have to use hypothetical scenarios to explore the mandatory competencies. Well-prepared candidates will at least attempt to relate any such hypothetical question to actual experience as this almost invariably produces a better answer (provided it is correct). Wrong answers may well lead to automatic referral and this is why the new RICS professionalism module is so important because it makes the candidates think about such issues in the right way.

If a candidate has difficulty understanding a question, they should not be afraid to ask for clarification (provided they do not do this too much) and occasionally the chairperson will step in to assist.

While the interview itself is challenging and not unlike a peer review, which in itself can be an enjoyable experience, it is unwise to enter into an argument. By all means defend actions taken as this is the professional thing to do, but candidates may find an assessor suggesting they might have done things differently. This does not necessarily mean that the candidate was wrong. They were there on that project and there may have been many other factors involved. The response required by the assessor is for the candidate to consider alternative proposed by the assessor and to provide a rationale to explain why this would not be appropriate for the specific project.

Additional notes

- 1 The panel is made up of chairperson and two assessors. The chairperson does not have to be a practicing rights of light surveyor, but the assessors should be.
- 2 Due to the fact that the rights of light world is quite small there is a probability that the assessors will know the candidate and they will need to take care to ensure that this will not prejudice the outcome. However, the candidate should be aware that the possibility exists of their being in a live case opposite an assessor at the time of the interview. For this reason, it is recommended that their submission does not include live cases wherever possible.
- 3 Candidates are recommended to review the conflict-of-interest guidance from page 20 of the candidate guide.

Finally, the RICS APC is tough, it requires commitment from the candidate, counsellor and employer. However, it is looked upon by all chartered surveyors as the gold standard of our profession. It is tough but a fair, open and transparent method of professional assessment. Enjoy the challenge as the harder you work in the APC the deeper the foundations for the rest of your future career.

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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