

APPENDIX E: Participation Statement

SCOTTISH BORDERS

LOCAL DEVELOPMENT PLAN 2:

PARTICIPATION STATEMENT

1. Introduction

The Planning etc. (Scotland) Act 2006 requires local planning authorities to prepare a Local Development Plan (LDP) for their area. The LDP is one of two statutory plans which make up the Development Plan. The Scottish Borders is a part of one of the City Regions in Scotland - the Edinburgh and South East Scotland Strategic Development Plan Authority (SESplan) which is required to prepare a Strategic Development Plan.

The LDP2 will replace the current LDP that was adopted in 2016, and will continue to set out a detailed level of planning through policies and proposals to guide development within the Scottish Borders.

This document sets out how people have had the opportunity to contribute to the future development of the Scottish Borders as it relates to the LDP 2.

This Participation Statement has continually evolved through the LDP2 Process in order to capture the work that has taken place to date as well as setting out the activities to take place through the following stages. This edition of the report has been produced following the period of representation on the Proposed LDP.

2. Community Involvement in the Local Development Plan Process

Who are the Consultees?

Any public consultation in relation to the LDP process seeks to involve as wide a range of parties as practical. This includes: the public sector, private sector, community groups, voluntary sector organisations and the general public.

Statutory Development Plan Consultees are consultees that the planning authority must consult with, these include: Transport Scotland, Scottish Water, Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), Historic Environment Scotland (HES), SEStran and Community Councils.

3. Engagement on the Preparation of the Main Issues Report

The purpose of this stage of community engagement is to educate and inform stakeholders about the new LDP as well as to gauge community opinion in the course of preparing the Main Issues Report (MIR), in addition to seeking dialogue and inviting representations following the publication of the MIR. This engagement was focused on the issues under discussion and on the relevant audiences.

➤ Place Standard Tool Workshops

To enhance the quality of the community engagement undertaken, the Plans and Research Team of the Council worked closely with the Council's Localities Team. In doing so, they, other sections of the Council and the Community Planning Partners were

able to work together and benefit from the use of the Place Standard Tool. The Place Standard Tool has been developed in partnership by Scottish Government Architecture & Place, NHS Health Scotland and Architecture & Design Scotland.

Place Standard Tool Workshops

A series of nine drop-in workshops were organised, these commenced at 3pm and finished at 8:30pm. The workshops allowed attendees to complete the Place Standard Tool, a number of stalls were also present including one on the Local Development Plan Review. The Place Standard tool was also available to complete online.

22/02/2017	Newcastleton	Venue: Village Hall
27/02/2017	Eyemouth	Venue: Hippodrome
28/02/2017	Duns	Venue: Council Chamber
01/03/2017	Hawick	Venue: Town Hall
07/03/2017	Kelso	Venue: Tait Hall
08/03/2017	Peebles	Venue: Burgh Hall
09/03/2017	Selkirk	Venue: Victoria Hall
13/03/2017	Jedburgh	Venue: Town Hall
16/03/2017	Galashiels	Venue: Transport Interchange

Short and long versions of the survey were available and in total over 230 responses were received.

➤ **Contact with the Children and Young People**

The Council are supporting a four-year partnership with PAS (Planning Aid Scotland) for the Bridging Gaps project. The project is the first of its kind in the UK and aims to equip young people with the skills and tools of how to engage with planning. The official launch of the project took place 7 March 2017 at Galashiels Academy.

➤ **Review of Existing Allocations**

Officers undertook a review of all existing allocations contained within the Local Development Plan 2016. The review of the existing sites was to ensure that sites that are to be carried forward into the next Local Development Plan are deliverable. If there are sites which have been in the Plan for a lengthy period of time with no realistic likelihood of them being developed then the Council must consider removing them from the Plan and replacing them with sites which are more likely to be developed. As part of that process a number of letters were sent out to landowners.

Review of Allocations Letters sent

A total of 23 letters were sent out to landowners in April 2017. Responses were received from the majority of the land owners, of which one landowner actively expressed a desire to have their site removed from the Plan.

A further eight letters were then sent to landowners who had not replied to the original letters sent in June 2017.

In lead up to the Main Issues Report, Officers made a decision on each of the respective sites as to whether they would be carried forward in to Local Development Plan 2.

➤ **Press Release**

A press release was issued announcing the commencement of the review of the Local Development Plan and informing interested parties that a 'call for sites' would be undertaken.

Press Release Issued

The press release was issued on 19 June 2017. The release was placed on the Council's website and as well as being forwarded to local TV, newspaper and radio contacts amongst a number of other contacts.

➤ **New Webpage Created**

The Council in the preparation of the MIR created a new webpage for Local Development Plan 2 (LDP2). The webpage provided contact details for the Plans and Research Team and where further information may be sought.

Webpage Created

The webpage has been compiled and updated as further information is being made available.

<https://www.scotborders.gov.uk/ldp2>

➤ **Call for Sites Letters and Emails**

The Plans and Research Team hold a large database of contacts which is continually updated and who received a letter or email informing them of the Call for Sites.

Consultation Letters and Emails sent

Letters and emails were sent out on the 26 June 2017 notifying contacts of the Call for Sites. The closing date for the Call for Sites was 7 August 2017.

➤ **Localities Meetings**

The Lead Officer of the Plans and Research Team attended each of the Locality Committees to inform their members and the public of the current position of the review of the Local Development Plan, as well as the upcoming Pre-MIR Engagement Events.

30/08/2017	Tweeddale Localities Committee
07/09/2017	Berwickshire Localities Committee
13/09/2017	Cheviot Localities Committee
14/09/2017	Eildon Localities Committee
19/09/2017	Teviot & Liddesdale Localities Committee

➤ **Pre – MIR Engagement Events**

A series of pre-MIR engagement events were organised, these events included a number of drop-ins and workshops. The drop-ins were specifically designed to educate and inform stakeholders about the new LDP, as well as to gauge opinion. The workshops primarily focused on gauging opinion on the issues raised through the use of the place standard tool earlier in the process.

The drop-in sessions ran from 2 – 5pm and the workshops from 6 – 8pm with exception to the Newtown St Boswell workshop which was held from 2 – 4pm to allow for stakeholders and agencies to contribute to the process.

The drop-in sessions were supported by three planning officers and the workshops were facilitated by three planning officers.

21/09/2017	Eyemouth	Venue: Eyemouth Community Centre
26/09/2017	Kelso	Venue: Kelso Town Hall
27/09/2017	Galashiels	Venue: Tesco Foyer (Drop-in) Transport Interchange (Workshop)
28/09/2017	Peebles	Venue: Burgh Hall
03/10/2017	Hawick	Venue: Heritage Hub
05/10/2017	Duns	Venue: Duns Council Chamber
10/10/2017	Selkirk	Venue: Pop-up Shop, 1 Tower Street (Drop-in) Community Connections, Back Row (Workshop)
12/10/2017	Newtown St Boswells	Venue: Council HQ – Chamber (Workshop only)

Attendee Numbers

The numbers of attendees at each of the drop-in and workshop events are set out below:

Eyemouth Drop-in - 10	Eyemouth Workshop – 9 (including 5 reps from 4 Community Councils)
Kelso Drop-in - 7	Kelso Workshop – 3 (including 1 rep from 1 Community Council)
Galashiels Drop-in - 36	Galashiels Workshop – 13 (including 3 reps from 1 Community Council, and 2 Scottish Youth Parliament Members).
Peebles Drop-in - 15	Peebles Workshop – 11 (including 2 reps from 1 community council, 2 from Peebles Community Development Trust, and 1 rep from Peebles Civic Society).
Hawick Drop-in - 4	Hawick Workshop – 6 (including 3 reps from 1 community council).
Duns Drop-in - 9	Duns Workshop – 13 (including 9 reps from 7 Community Councils).
Selkirk Drop-in - 14	Selkirk Workshop – No attendees booked or arrived at venue, so event did not take place. Newtown St Boswells Workshop - 9

In addition to the organised and advertised events above, a special meeting was attended by Council Officers at West Linton on 11 October 2017. This was primarily due to concerns raised by local residents and businesses as well as local Councillors to the shortage of available employment land within the settlement and immediate area. In excess of 50 people were in attendance at the meeting.

A further meeting was also requested by Ayton Community Council for the 7 November 2017. (This request was made at an earlier workshop event). The Lead Planning Officer and a representative from the Roads Planning Team attended the Community Council meeting. The meeting primarily focused on an up-coming planning application. Approximately 25 people were in attendance during the discussion.

➤ **Stall at Business Gateway Business Conference**

An officer of the Plans and Research Team manned a stall at the Business Gateway Business Conference at Springwood Park, Kelso on 26 October 2017. Copies of the Questionnaires were also available for distribution.

Attendee Numbers

Approximately 10 people visited to the stall.

➤ **Press Release**

A press release was issued announcing the series of drop-in and workshops events in advance of the Pre-MIR Engagement Events.

Press Release Issued

The press release was issued on 13 Sept 2017. The release was placed on the Council's website and as well as being forwarded to local TV, newspaper and radio contacts amongst a number of other contacts.

➤ **Email sent to SBC Staff**

A communications email was sent to all Council staff on email informing them of the drop-in and workshop sessions on the Local Development Plan.

Email sent

The email was sent to all Council staff on email on the 6 October 2017 providing them with a link to where they could find out more information on the Pre-MIR Engagement Events.

➤ **Posters**

Posters were produced and emailed to community councils for their local notice boards, and printed versions were sent to libraries and contact centres for display. Posters were also distributed to Councillors and various Council Officers for posting around their communities.

Posters Distributed

Posters were distributed in advance of the Pre-MIR Engagement Events.

➤ **Questionnaires & Place Standard Tool**

Questionnaires and the Place Standard Tool were distributed at the Pre-MIR Engagement Events for completion and return.

Place Standard Tool Responses

Berwickshire Localities Committee	10
Cheviot Localities Committee	9
Eildon Localities Committee	25
Teviot & Liddesdale Localities Committee	31
Tweeddale Localities Committee	14

4. Engagement on the Main Issues Report

The Main Issues Report (MIR) identifies the key areas of change that need to be addressed in the Proposed Plan. This document was subject to public consultation. It is intended that representations

received during the consultation period would provide the planning authority with important views from the public and stakeholders and will assist in the preparation of the proposed plan.

➤ **Website**

The Main Issues Report (MIR) is available to view on the Council's website at the following link www.scotborders.gov.uk/ldp2mir. The website contains information on the MIR consultation, what the MIR does, link to the online consultation, background documents, Interim Environment Report and Privacy Notices. The MIR was available in PDF format on the website, however if anyone requested to view a paper copy, these were made available in all libraries and contact centres.

A short link was produced and included within the letters, emails, website, Facebook notifications and posters. This enabled the public to view the consultation document and any associated background documents, including the SEA. The website is regularly updated with the progress of the MIR.

An events page was also created on the Council's website and the link was included in the Facebook notifications. The events page outlined the dates, locations and times for the drop in and workshop sessions. It also contained a link to the consultation on Citizen Space.

➤ **Paper Copies of the Main Issues Report available to view in Libraries and Council Offices**

A hard copy of the MIR was sent to all libraries and contact centres for public display and comment. This allowed those who prefer to view a paper copy to do so at nearby locations, without the need to travel to Council Headquarters.

➤ **Advance Notification of MIR Consultation Events (Councillors and Community Council's)**

Emails were sent to all Community Council's and Councillors on the 26th October 2018, in advance of the Press Release, Newspaper Adverts and Letters/Emails. The email outlined the community consultation events. This provided additional time before the press release, adverts and letters/emails, for the details to be circulated within the communities.

➤ **Citizen Space (Consultation on MIR)**

The consultation was made available for comment using Citizen Space at the following link www.scotborders.gov.uk/ldp2mir.

The online consultation was in the format of an electronic survey, setting out the questions contained within the Main Issues Report. Respondents could answer as many or as few questions as they wished. All the community events were also contained within the Citizen Space consultation.

There were 172 responses received via the Citizen Space consultation.

➤ **Questionnaire (Consultation on MIR)**

It is acknowledged that not everyone will have access to a computer. Therefore, a hard copy version of the MIR questions was produced for such instances.

➤ **Consultation Letters and Emails**

As part of the MIR consultation, letters and emails were sent out to the following; Community Councils, Councillors, equality groups, libraries and contact centres, Government Agencies, Local Authorities, Registered Social Landlords, Local/National Developers, MP's and MSP's, members of the public on the Local Development Plan mailing list, contributors to the 'Call for Sites' process, known landowners of any sites included within the MIR, known landowners of any sites proposed for removal and known landowner of any site subject to the 'Site Review'. This ensured people were kept informed about the MIR process and how they could get involved.

Along with the consultation letters and emails, an invitation form was attached. The form outlined the workshop events and requested that anyone wishing to attend, inform the Council. This allowed the team to plan for how many people may be in attendance for each of the workshops.

➤ **Formal Advert**

As required by the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, the planning authority placed a formal advert in 5 local newspapers advising the public of the MIR consultation. The advert set out where and when the MIR could be viewed, a brief description of the content and purpose of the document, details of how further information may be obtained, details of the drop-in sessions/workshop locations, dates and times, a statement of how representations can be made, and how, to whom and by when they should be made.

Adverts were placed in the following newspapers; Berwickshire News, Hawick Paper, Peeblesshire News, Southern Reporter and the Borders Telegraph, between the 8th and 14th November 2018.

➤ **Press Release in Advance of Consultation Period**

A press release was issued on Monday 29th October, which announced the production and consultation period for the MIR. The press release was placed on the Council's website as well as being forwarded to local tv, newspaper and radio contacts amongst a number of other contacts.

➤ **Presentation on Main Issues Report**

Prior to the formal MIR consultation, two presentations were arranged internally within Scottish Borders Council. The first presentation was on the 14th August to internal colleagues within Scottish Borders Council, many of whom had been involved in the consultation process in the production of the MIR. This allowed everyone to be well informed prior to the MIR consultation commencing.

The second presentation was on the 15th August to all Elected Members at Scottish Borders Council. This presentation informed Elected Members as to the contents of the MIR and ensured that they were well informed and kept up to date, prior to the start of the consultation.

➤ **Series of Main Issues Report Drop-in sessions and workshops**

A series of Main Issues Report afternoon drop-in sessions and evening workshops took place in the Borders main towns allowing for the public and other interested parties to find out more about the Main Issues Report.

SERIES OF MAIN ISSUES REPORT DROP-IN SESSIONS AND WORKSHOPS UNDERTAKEN:

Main Issues Report exhibitions were arranged at:

13 Nov – Newcastleton Village Hall	2-6pm (drop in session)
15 Nov – Sainsbury’s Kelso	2-5pm (drop in session)
15 Nov – Kelso Town Hall	6-8pm (workshop)
19 Nov – 1 Tower Street, Selkirk	2-5.30pm (drop in session)
21 Nov – Co-op Eyemouth	2-5pm (drop in session)
21 Nov – Eyemouth Community Centre	6-8pm (workshop)
26 Nov – Burgh Hall, Peebles	2-5pm (drop in session)
26 Nov – Burgh Hall, Peebles	6-8pm (workshop)
27 Nov – Council Chambers, Duns	2-5pm (drop in session)
27 Nov – Council Chambers, Duns	6-8pm (workshop)
28 Nov – Village Centre, West Linton	2-6pm (drop in session)
29 Nov – Tesco, Galashiels	2-5pm (drop in session)
29 Nov – Galashiels Transport Interchange	6-8pm (workshop)
12 Dec – Council Chamber, Newtown	6-8pm (workshop)
13 Dec – Morrisons, Hawick	2-5pm (drop in session)
13 Dec – Heritage Hub, Hawick	6-8pm (workshop)

A series of nine drop down banners were produced for the drop-in and workshop sessions. The banners contained key information and outlined the main issues. The purpose was to get the public interested and interacted with the MIR.

As part of the evening workshop sessions, a presentation was undertaken outlining the main issues and proposals within that area. This provided a basis for further more in depth discussions and more focused questions after the presentations. Some of the workshops had a slightly different format depending on the number of attendees and points of interest raised.

The attendance varied throughout the venues and is outlined below. It should be noted that in a few instances some people did not sign the sheet, when it was particularly busy, more so in the case of the Peebles drop in and evening workshop.

Venue	Attendance
Newcastleton Village Hall (Drop In)	22
Sainsbury’s, Kelso (Drop In)	25
Kelso Town Hall (Workshop)	4
Selkirk (Drop In)	13
Co-op, Eyemouth (Drop In)	14
Eyemouth Community Centre (Workshop)	7
Burgh Hall, Peebles (Drop In)	54
Burgh Hall, Peebles (Workshop)	46
Council Chambers, Duns (Drop In)	4
Council Chambers, Duns (Workshop)	0
Village Centre, West Linton (Drop In)	16
Tesco, Galashiels (Drop In)	24
Galashiels Transport Interchange (Workshop)	9
Council Chamber, Newtown St Boswells (Workshop)	7
Morrisons, Hawick (Drop In)	11
Heritage Hub, Hawick (Workshop)	3

➤ **Social Media Plan**

A social media plan was produced for the Facebook and twitter notifications, which were sent throughout the duration of the consultation process. This included Facebook notifications, outlining each of the community engagement events at the start of the MIR consultation process and again just before each of the engagement events. This ensured that the public were well informed about the details of the drop in sessions and workshops throughout the Scottish Borders.

➤ **Sandwich Board Posters**

As part of the drop in sessions a sandwich board was displayed outside or close to the venue. The purpose was to attract members of the public and those passing to come into the consultation event.

➤ **Poster**

A poster was produced setting out the event details, including the drop-in and workshop sessions, dates, locations and times. The poster was circulated to all Community Councils and it was requested that the poster be displayed within the community. This provided an additional means of communication and advertising the engagement events.

➤ **Post Cards**

As part of the MIR consultation process, post card leaflets were produced and handed out at the drop in and workshop sessions. These contained details of how people could take part in the consultation and contact details.

➤ **Consultation Responses**

A total of 330 consultation responses were received in response to the Main Issues Report public consultation. (It should be noted that this number includes those responses received via Citizen Space).

5. Engagement on the Proposed Plan

On production of the Proposed Plan there is a further (six week minimum) period of final objection. Neighbours significantly affected by the proposed Local Development Plan and those who have made previous representations were notified directly by the planning authority to ensure they are aware of the proposals.

It is noted that as a result of the ongoing Covid-19 crisis, the Coronavirus (Scotland) Act 2020 placed the requirement on the Council to consider if any of its actions would give rise to a significant risk of transmission of coronavirus (for example by providing public access to an office) or would be ineffective or inappropriate due to action taken to control the incidence or transmission of coronavirus (for example, placing copies of documents in libraries that are closed). The Council was also required to promote the national policy of social/physical distancing.

The above therefore had a direct impact on how the Council would carry out its engagement on the Proposed Plan. There was a number of amendments to the normal statutory duties and non-statutory actions were required to be taken, such as: there were no public meetings or drop-in sessions as they may have given rise to a significant risk of the transmission of coronavirus.

Where possible, correspondence, communication and publicity (including public inspection of the Proposed Plan and any of its associated documents) were by electronic means. The period for making representations and objections to the Proposed LDP was also 12 weeks long. This is 6 weeks longer than the statutory minimum.

➤ **Website**

The Council in production of the Proposed Plan provided information on the LDP page of the Council's website and links to where the Proposed Plan can be viewed online.

The webpage also provided contact details for the Plans and Research Team where further information may be sought.

➤ **ArcGIS StoryMap**

To assist in an effective and engaging consultation on the Proposed Plan, the Council produced an ArcGIS StoryMap and presented it on its website. This combined text and an interactive map for participants to explore and interact with.

➤ **Videos**

The Council produced a series of online videos to publicise and inform the public on the Proposed Local Development Plan, these included a trailer video, a short film and a video on frequently asked questions.

The trailer was a short video introducing the Proposed Plan and was primarily used on social media, its purpose was to publicise the Proposed Plan and direct the public on where to find out more.

The short film provided further information on what the Proposed Plan was and provided information on how to participate in the process.

The video on frequently asked questions was produced midway through the representation period to assist in providing more information both on the Plan and on the Local Development Plan process; it covered issues that were frequently raised by the public.

➤ **Dedicated Telephone Line**

A dedicated phone number was set up, allowing access directly to the Plans and Research Team, callers were then no longer required to go through the Council's switchboard. This number was then included on all relevant material including letters, posters and on the Proposed Local Development Plan. This dedicated telephone line allowed any interested party the opportunity to contact the Plans and Research directly to ask questions and to have those questions answered.

➤ **Social Media Plan and Use of Social Media**

A social media plan was produced for Facebook and Twitter notifications that were sent throughout the duration of the consultation process. This ensured that the public were well informed about the Proposed Plan.

➤ **Consultation Letters and Emails**

All those included within the Plans and Research database received a letter or an email informing them of the publication of the Proposed Plan and where a copy of the Plan could be viewed online.

➤ **Neighbour Notification**

As a statutory obligation at this stage of the Plan Process, Neighbour Notification Letters were sent out to those who are neighbours of potential employment, housing, or regeneration sites.

Neighbour notification letters were sent out to those who hold a property next to land being proposed for development. This is a mandatory requirement for councils at the Proposed Plan stage. NB: Only those within a 20m radius of the perimeter of these sites will receive notification. Another set of letters were also sent out to residential institutions such as sheltered accommodation and student accommodation.

➤ **Contact with Children and Young People**

Contact was made with the Children and Young People's Services informing them of the publication of the Proposed Plan and where additional information could be sought if required.

➤ **Formal Advert**

As required by the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, the planning authority placed a formal notice in one or more local newspapers advising the public of the production of and Representation Period of the Proposed Local Development Plan. The advert set out where and when the Proposed Plan could be viewed; a brief description of the content and purpose of the document; details of how further information may be obtained; and a statement that representations may be made, and how, to whom and by when they should be made.

Adverts were placed in the following newspapers; Berwickshire News, Hawick Paper, Peeblesshire News, Southern Reporter and the Borders Telegraph, week commencing 2nd November 2020.

➤ **Press Release and Awareness-Raising Publicity**

A press release was issued announcing to the press of the production and period of objection on the Proposed Plan.

➤ **Posters Distributed to Community Councils**

Posters were produced setting out details of the representation period. The poster was circulated to all Community Councils and it was requested that the poster be displayed within the community. This provided an additional means of communication and advertising.

➤ **QPR Code**

To assist the public in their ease to access information on the Proposed LDP and its representation period, a QPR code was produced and included within the posters distributed to the Community Councils. This allowed them to easily access the website online whilst out and about making it easier for them to participate in the process.

➤ **SB Connect Article**

An article on the Proposed LDP was placed within the Council's own publication SB Connect. This publication is delivered to every householder with exception to those who have signed up to the Mail Preference Service.

➤ **Translation of Key Documents**

On request, the Council made available translations of key documents into the main community languages.

➤ **Citizen Space (Consultation on MIR)**

Those wishing to participate in responding to the Proposed Plan were able to do so through the online consultation tool Citizen Space.

The online consultation allowed respondents to respond to each section of the Proposed Plan, to comment on sites and/or policies. Respondents could respond to as little or as much as they chose.

➤ **Consultation Responses**

In excess of 1000 contributions were received in response to the Proposed Plan. (It should be noted that this number includes responses received via Citizen Space, email, and in postal format).

➤ **Incomplete or Unclear Consultation Responses**

The Council received a number of incomplete or unclear submissions to the Proposed Local Development Plan. To assist the contributors in completing or clarifying their submissions, follow-up emails were sent to each contributor to provide them with the opportunity to respond further. Where no further response was received, and where the postal address had been provided, a letter was then sent on the 7 April 2021 giving the contributors a deadline to respond by 23 April 2021.

6. Development Plan Examination

Where objections/unresolved issues to the proposed plan have not been withdrawn or resolved, an independent Development Plan Examination will be held by the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA). The arrangements for the Examination will be made by the DPEA.

7. Following the Local Development Plan Examination

On receipt of the Local Development Plan Examination Reporters' Recommendations, the Council will:

- make the recommended modifications
- publish the proposed modified plan
- advertise intention to adopt
- notify interested parties the Local Development Plan has been published and can be viewed

- send (a) copy of the modifications to Ministers and (b) statement regarding any modifications not accepted; (c) the proposed plan as modified.

8. Court of Session Challenge

The final stage of the process if acted on by an aggrieved party is the provision in the Planning etc. (Scotland) Act 2006 to challenge the Scottish Ministers' decision to direct the planning authority to adopt the Plan.

The aggrieved person can apply to have the Court of Session to quash the plan within 6 weeks of the date of the first notice of adoption of the Plan. If it can be shown that it was not within the powers of the Act to do so, or that the applicants' interests have been substantially prejudiced by failure to comply with any requirement of the Act, the court has then the powers under the Act to quash the Plan.