

EXAMINING THE RELEVANCE OF 'PERFORMANCE' BASED PLANNING APPROACHES IN INDIA

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Contribution:

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01 Introduction

... many developed countries have followed similar systems during formative periods of development, several countries including the United Kingdom have strategically shifted away from rigid master plans towards a pragmatic system of urban planning. India however, still confines itself to a command and control approach to implement Master Plans that is combined with the idea of 'eminent domain' or land acquisition for enforcing the envisioned plan (Ahluwalia, 2014).

Contemporary planning practices in India can be traced back to the Bombay Improvement Trust Act 1920, however, the statutory process of master plan formulation in India is rooted in the erstwhile Town and Country Planning Act, 1947 of United Kingdom (Ahluwalia, 2014). The practice primarily focused on detailed land use zoning supported by strict regulations and statutory procedures to ensure plan implementation. Although, many developed countries have followed similar systems during formative periods of development, several countries including the United Kingdom have strategically shifted away from rigid master plans towards a pragmatic system of urban planning. India however, still confines itself to a command and control approach to implement Master Plans that is combined with the idea of 'eminent domain'¹ or land acquisition for enforcing the envisioned plan (Ahluwalia, 2014).

Land use planning can be seen as the activity of a public agency 'to realize the ambitions which it adopts for the land use in a particular location'. In urban planning systems, law, regulation and policy provide a considerable amount of the 'structure' in which agents, such as urban planners, city authorities, architects, private builders act. These laws and regulations influence Master plan/ development plan making, implementation, content of plans and role of planners (March & Theory, 2010). In other words, planning rules intervene and influence the individual actions and thus indirectly the city's physical reality. In such settings, the governance of planning depends on the scope of controls possible. Thus, it is essential to establish effective tools within which interventions can be made.

LAW, REGULATION AND POLICY PROVIDE A CONSIDERABLE AMOUNT OF THE 'STRUCTURE' IN WHICH AGENTS, SUCH AS URBAN PLANNERS, CITY AUTHORITIES, ARCHITECTS, PRIVATE BUILDERS ACT.

Models of Planning – 'Conformance' vs 'Performance'

Generally, there are two types of planning systems prevalent worldwide: a traditional approach that aspires to 'conform' projects or plans to a collective pre-set strategy, and a second, less institutionalized one that promotes a collaborative approach. The concept of 'conformance' evokes primarily an 'action in accordance with some specified standard or authority, whereas, 'performance' can be associated as the 'execution of an

¹ The concept of Eminent domain, in its general meaning, means the supreme power of the government of India under which private property of any individual can be taken over in the concern of the general public.

An alternate approach to implement planning programs is to view the idea of plan efficiency as 'performance' (Faludi, 2016; Faludi & Mastop, 1997, 2000). 'Performance' refers to how decision makers use the plan document to help clarify choices for the private operators. It considers the choices of the actors and looks at how or whether the plan is able to influence actors to make choices beneficial for the collective planning strategy rather than if they 'conform' to the plan.

action' or 'fulfilment of a claim or promise'. Performance and conformance are not new concepts in planning theory (Faludi, 2008, 2016; Faludi & Mastop, 1997), planning theorists convene that conforming approaches are considered for their capacity in shaping spatial development whereas performing approaches are evaluated for their ability in shaping the minds of the actors involved.

Conforming planning systems associate the plan as an embodiment of expert knowledge, and view the process of plan implementation as an exercise of control over private actors, where planners act as means to safeguard the implementation of the plan. Conformance of planning systems is contingent upon the degree of control that planners have, the ability to anticipate future conditions and the existence of consensus (Faludi, 1989). Such planning systems also base planning decisions on the principle of rationality rather than a pragmatic approach to city planning.

An alternate approach to implement planning programs is to view the idea of plan efficiency as 'performance' (Faludi, 2016; Faludi & Mastop, 1997, 2000). 'Performance' refers to how decision makers use the plan document to help clarify choices for the private operators. It considers the choices of the actors and looks at how or whether the plan is able to influence actors to make choices beneficial for the collective planning strategy rather than if they 'conform' to the plan. 'Performance planning' understands the process of plan making and implementation as a learning process. The proposed definition suggests that if governance is at stake the crucial question is to establish how strategic and regulative functions of planning should be addressed to performing (rather than conforming) aims (Faludi, 1989). 'Performance' based planning systems are currently implemented in the UK (Faludi, 1989), New Zealand, and Queensland in Australia (Roughan, 2016), where as EU member states are reforming planning systems to adopt 'performance' based practices (Rivolin, 2008).

With this intention, the article presents the different aspects of 'conformance' and 'performance' based planning and its relevance to land-use planning in the Indian context. 'Performance' based approaches can be evaluated in various aspects of development planning such as



CONFORMANCE OF PLANNING SYSTEMS IS CONTINGENT UPON THE DEGREE OF CONTROL THAT PLANNERS HAVE, THE ABILITY TO ANTICIPATE FUTURE CONDITIONS AND THE EXISTENCE OF CONSENSUS. SUCH PLANNING SYSTEMS ALSO BASE PLANNING DECISIONS ON THE PRINCIPLE OF RATIONALITY RATHER THAN A PRAGMATIC APPROACH TO CITY PLANNING.

....the proposed idea of 'performance' based planning does not argue the importance or need for strategic plans, regulative documents and statutory practices. The idea of 'performance' planning tries to establish how these strategic and regulative functions must be correlated within the planning system to provide flexibility and address the reality of complex urban systems in India.

infrastructure services, transportation, governance etc. but the article aims to highlight its relevance to enhance the land-use planning systems in India. However, it must be stated, that the proposed idea of 'performance' based planning does not argue the importance or need for strategic plans, regulative documents and statutory practices. The idea of 'performance' planning tries to establish how these strategic and regulative functions must be correlated within the planning system to provide flexibility and address the reality of complex urban systems in India.

THE IDEA OF 'PERFORMANCE' PLANNING TRIES TO ESTABLISH HOW THESE STRATEGIC AND REGULATIVE FUNCTIONS MUST BE CORRELATED WITHIN THE PLANNING SYSTEM TO PROVIDE FLEXIBILITY AND ADDRESS THE REALITY OF COMPLEX URBAN SYSTEMS IN INDIA.

02 Urban Planning in India

'Conformance' based planning system in India



Fig. 1: Development Plan 2034, Mumbai

Urban planning in India follows a federal system of governance, that gives states significant constitutional power regarding the structure of land use planning systems. Since land is a State subject – as defined in Schedule Seven to the Constitution of India - so is urban planning. The 74th Constitutional Amendment Act (CAA) gives Urban Local Bodies (ULBs) the mandate to prepare spatial development plans for areas within their mandate. Development Authorities are also formed to prepare spatial plans for wider city-region that incorporate areas that are likely to experience potential urban development. (Munshi, et al., 2019).

Spatial development plans in India are prepared at several levels² including metropolitan level, city/municipal level and ward levels. Regional plans for areas bigger than city limits are rarely prepared. Development Plans are statutory documents that are prepared at the city level, which identifies the general direction of growth, proposes land use zones, connectivity & transportation network and city level projects. Land use plans are typically prepared at a city level, for a horizon period of approximately 20 years, which may vary across cities, and take over 10 years to complete the preparation of plans. It must be noted that considering the horizon period

² Hierarchy of spatial plans in India vary across states in accordance to their respective state planning acts. However, most states typically prepare development plans/masterplans - nomenclature may change as per state planning acts - at a city level which comprises of land use zones supported by building regulations. Very few cities in the country prepare functional plans at regional level, or make use of local area plans integrated with development plans to implement area-based development or urban projects.

Planning Authority	Role & Responsibility
State Level Town & Country Planning Department	Monitoring and enforcement of various central government schemes
Development Authority	Preparation of Town Development plans, Regional, plan & Enforcement , Implementation of plans and development schemes
Local Level-ULB/Municipal Corporation	Implementation of proposals made in the Development Plan. Provision and maintenance of city's infrastructure.

Table 1: Roles and responsibilities of planning authorities in India

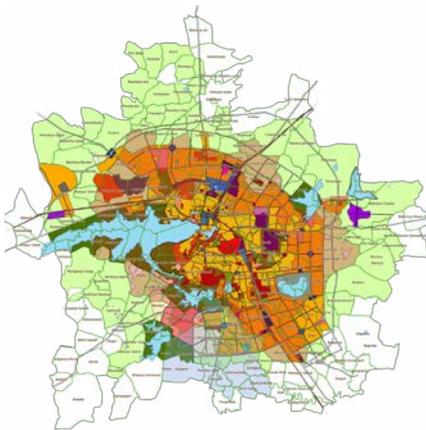


Fig. 2 : Development Plan 2017, Bhopal

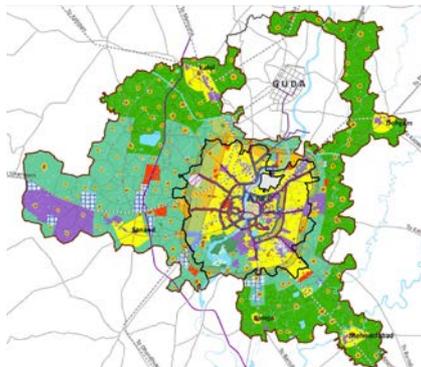


Fig. 3 : Development Plan 2021, Ahmedabad

of 20 years, a ten-year revision period is suggested, however, development plans in the country are rarely revised or updated (Munshi, et al., 2019). The formulation of the Delhi masterplan 2021 started in 1990's and came into force in 2007, while the preparation of the development plan for Mumbai took 17 years (Ahluwalia, 2014). Critics of state led planning often cite the long planning period as a failure of the system, however, long term planning policies spanning over 20 years is consistent with spatial planning policies in OECD countries (Elisabete & Acheampong, 2015), often cited for their progressive planning systems.

CONSIDERING THE HORIZON PERIOD OF 20 YEARS, A TEN-YEAR REVISION PERIOD IS SUGGESTED, HOWEVER, DEVELOPMENT PLANS IN THE COUNTRY ARE RARELY REVISED OR UPDATED.

The development plan is accompanied by the building bye-laws or development control regulations, that define permissible uses within the land use zones. The also specify building regulations that govern the built form, FSI, building permissions, structural design, set-backs, and aspects of architectural design such building heights, access widths, recreational space to be provided etc. These regulations are made to control or guide the development in the city within a mandated framework, but often these standards are complex and ultimately impose additional costs on building construction (Patel, Byahut, & Bhatha, 2017).

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The challenge or rather setback in India's contemporary planning methodology is the lack of a modern, contemporary spatial planning framework for planning of cities and design standards for public utilities (ASICS , 2017), its failure to offer flexibility to planners as well as private stakeholders, the binding³ nature of the plan document, its inability to integrate financial planning through instruments of land value capture and incapacity to interpret the role of market forces in determining urban development. Moreover, conventional planning approaches in India gauge

³The binding nature of masterplans refers to how the land use zones, prescribed FSI, proposed projects are considered sacrosanct once published. Over a horizon period of 20 years these binding regulations often hinder the organic growth of the city, thus defeating its purpose.

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effectiveness of planning programs as a product of conformity to the pre-set objectives. Such approaches to planning assume that by virtue of being expert based, they must be the best policies to guide development, thus effectively ignoring the idea of urban planning as a learning process and an essential tool to shape the minds of actors involved in the process. Thus, if the purpose of planning programs depends solely on their ability to 'conform' to the plan, then it defeats all discussions of adopting a

03 Envisioning a 'Performance' based Urban planning system

A distinct 'performing planning' model is currently institutionalized in the UK (Rivolin, 2008), New Zealand & Queensland in Australia (Roughan, 2016). Evidently, EU member states as well as OECD countries are systematically reforming their contemporary planning practices, towards a 'performance' based approach to meet the current needs of land-use planning (Rivolin, 2008). The reformation of current planning systems in India is essential to ensure sustainable, scalable, pragmatic and flexible solutions to our current planning challenges.

Hierarchy of Plan documents and Plan preparation

	Strategic Plans	Regulative/Project Plans
Nature	Non prescriptive	Prescriptive
Objective	Frame of reference for future development	Quantifies amount and identifies areas for development , Regulate building activity
Time Element	Unlimited validity	Typically has time constraints
Relevance	Continuous	Continuous
Effect	No conformance value	Conformative value

Table 2: Characteristics of Strategic and Regulative/Project plans

The classification of plans based on their nature holds great relevance in the method of implementation. Current development plans or masterplans are accompanied by a vision document along with the spatial plan, combining the elements of regulative/project plans and strategic plans (table 2) to form hybrid plans. Often strategic plans are viewed more like project plans in India, and there is pressure to make strategic plans like project/regulative plans creating a hybrid plan. Hybrid plans may



THE REFORMATION OF CURRENT PLANNING SYSTEMS IN INDIA IS ESSENTIAL TO ENSURE SUSTAINABLE, SCALABLE, PRAGMATIC AND FLEXIBLE SOLUTIONS TO OUR CURRENT PLANNING CHALLENGES.

Regulative/project plans must be evaluated as technical exercises – evaluated for shaping spatial development - and strategic plans as learning processes – evaluated at capacity in shaping the minds of actors in spatial development.

suffer from contradictions, as it tries to fulfill objectives of strategic and project plans (Faludi, 1989). Although masterplans can be viewed to be a strategic document, their relevance to the planning of the city is binding and all subsequent projects or plans must conform to the masterplan, thus negating the idea of a truly strategic document.

Regulative/project plans must be evaluated as technical exercises – evaluated for shaping spatial development - and strategic plans as learning processes – evaluated at capacity in shaping the minds of actors in spatial development. The masterplan and strategic document should be separate, and a stand-alone strategic document should be developed as a non-binding public strategy, that acts as a framework within which planners are given the flexibility to analyze local contexts and come up with appropriate solutions. A similar model has been implemented in the region of Lombardy in Italy⁴, aimed at offering greater flexibility for private players in the development process.

Plan / Document Title	Objective
Strategic Plan document (Documento di Piano)	Identifies the development, improvement and conservation objectives that have strategic value. Defines quantitative overall development objectives of the plan.
Service Plan	Primarily evaluates all the service equipment in the municipal area, on basis of quality, usability and accessibility. It has no valid terms and is always modifiable.
Rules Plan	Zoning map of the built-up, agricultural, environmental and non-developable areas of the city with an unlimited validity and which can be updated at any time.
Municipal Implementation Plans (Piani attuativi)	Implementation of developments identified in plan document takes place through intervention plans.

Table 3: Spatial Plan Hierarchy in Lombardy, Italy

Strategic documents are those that guide the development of the city through qualitative and quantitative measures, but are non-prescriptive in nature.

Strategic documents are those that guide the development of the city through qualitative and quantitative measures, but are non-prescriptive in nature. Thus, strategic plans (without time constraints and always modifiable) may be able to guide the development but not attribute false expectations, are able to provide necessary flexibility and autonomy to municipalities. The forecasts made by such documents are only a frame of reference and do not have a time-based validity and its relevance to the development of the city is continuous but not binding. Strategic

⁴The planning system in Lombardy cannot be categorized as truly 'performance based'. Regions in Italy are also undergoing planning reforms from 'conformance' to 'performance' based approaches.

plans in Lombardy can be updated at any time to cater to the changing needs of the city. It defines the quantitative goals (such as area of open space in the city to be achieved, number of housing units to be built, infrastructure services that need to be improved etc). However, keeping to the strategic nature it is non-binding and is updated regularly, it is generally used as a reference for planners to set objectives within the Municipal Implementation Plans (local area plans). Thus, Lombardy has adopted a system of planning where the service and rules plan govern the municipal services and land use zones and any new development is implemented through Municipal Implementation Plans (local area plans) that refer to the Strategic document to ensure the larger goals of the city is met through urban planning.

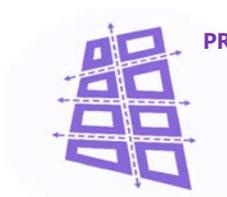
LOMBARDY HAS ADOPTED A SYSTEM OF PLANNING WHERE THE SERVICE AND RULES PLAN GOVERN THE MUNICIPAL SERVICES AND LAND USE ZONES AND ANY NEW DEVELOPMENT IS IMPLEMENTED THROUGH MUNICIPAL IMPLEMENTATION PLANS (LOCAL AREA PLANS) THAT REFER TO THE STRATEGIC DOCUMENT TO ENSURE THE LARGER GOALS OF THE CITY IS MET THROUGH URBAN PLANNING.

Liberalizing FSI usage & Local Area Plans

Another method to adopt a 'performance' based approach reform current practice is to refrain from creating rigid master plans & restrictive zoning regulations that limit the land available for development (World Bank, 2011) and liberalize the use of FSI (Patel, 2015).

Another method to adopt a 'performance' based approach reform current practice is to refrain from creating rigid master plans & restrictive zoning regulations that limit the land available for development (World Bank, 2011) and liberalize the use of FSI (Patel, 2015). Alain Bertaud (2004) argued that the scarcity of developable land in Mumbai is due to the city's restrictive FSI regulations and 'draconian' land policies which has led to development of urban sprawls in the city suburbs. There are several examples of such unintended consequences that emerge from urban policies, local actions and urban interventions.

As showcased in the Lombardy model, preparation of local area plans as a tool to implement masterplans can ensure that localized solutions are developed for different areas in the city. The Gujarat Town Planning & Urban Development Act, 1976 introduced the provision for preparation of Local Area Plans in 2019 and the Delhi Masterplan 2021 has mentioned the use of local area plans, however there has been limited on-ground implementation and formalization of the planning technique (Mathews & Banerji, 2021).



PREPARATION OF LOCAL AREA PLANS AS A TOOL TO IMPLEMENT MASTERPLANS CAN ENSURE THAT LOCALIZED SOLUTIONS ARE DEVELOPED FOR DIFFERENT AREAS IN THE CITY.

In case of local area plans, steps must be taken to ensure monitoring and evaluation of plans at a fixed interval, and provisions to fast track process of updating the plan. However, this also depends on who prepares the plan, objectives of the plan and how inclusive in the plan preparation. Local area planning must be guarded from elite capture to ensure equity in planning process.

Local area plans take off from where the Development Plan-Town Planning Scheme mechanism⁵ ends, the city wards could be considered to be the spatial planning unit of the local area plan.

Local Area Plans are prepared on ad-hoc basis thus taking into consideration existing development, market influence and scale of intervention. In order to be effective, planning mechanisms also have to be able to cope with change. Another such aspect of a 'performance' based planning system, is to allow flexibility to plan makers by allowing modifications to the plan, based on the initial market response of the local area plan. The current planning mechanism considers a ten-year revision period for development plans but they are seldom undertaken due to several reasons (Munshi, et al., 2019). In case of local area plans, steps must be taken to ensure monitoring and evaluation of plans at a fixed interval, and provisions to fast track process of updating the plan. However, this also depends on who prepares the plan, objectives of the plan and how inclusive in the plan preparation. Local area planning must be guarded from elite capture to ensure equity in planning process.

Participatory Planning

Information and Communication Technology (ICT) can be leveraged to ensure wider citizen participation. Digital platforms can also be created by governments for citizens to regularly engage and voice solutions to problems that plague their city.

Current development plans or masterplans in India also face criticism as it adopts a top-down approach that often excludes economically weaker sections of society, or environmental concerns in planning with little to no consultation with stakeholders⁶. 'Performance' based planning reflects the concept of dynamics and co-ordination of the planning agencies and the several actors that are part of the planning process. To this effect, state planning acts should include statutory provisions to adopt a participatory approach to plan preparation. Stakeholder consultations play an important role in shaping the minds of actors in spatial development. Information and Communication Technology (ICT) can be leveraged to ensure wider citizen participation. Digital platforms can also be created by governments for citizens to regularly engage and voice solutions to problems that plague their city.



IN ORDER TO BE EFFECTIVE, PLANNING MECHANISMS ALSO HAVE TO BE ABLE TO COPE WITH CHANGE. STAKEHOLDER CONSULTATIONS PLAY AN IMPORTANT ROLE IN SHAPING THE MINDS OF ACTORS IN SPATIAL DEVELOPMENT.

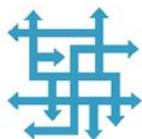
⁵Town Planning scheme is a form of land-pooling mechanism used to integrate new areas into the developing city by providing necessary infrastructure such as roads, services in the scheme area.

⁶All planning acts in the country prescribe a 'suggestion and objection' period subsequent to publication of first draft of the masterplan. However, there is no statutory requirement for planning authorities to include stakeholder consultations prior to the publication of the plan.

Modifying Building Regulations

The simplification of building bye-laws will greatly help in clarifying choices and simplifying the decision-making process for private actors involved. Planners and city officials must realize that building regulations and 'conforming' to them comes at a price for private actors to meet the mandatory standards.

'Performance' based approach views planning as an interactive learning process, it considers how the plan fares during negotiations and whether it gains the acceptance of the private actors. There are two points of influence that such approaches can help in this regard; building regulations and project approval procedures. Contemporary planning approaches function on the belief that complex urban problems require equally complex rules. Contrary to this belief, the complexities of urban reality must be complemented with simple rather than complex regulations (Moroni, Rauws, & Cozzolino, 2019). Thus, the simplification of building bye-laws will greatly help in clarifying choices and simplifying the decision-making process for private actors involved. Planners and city officials must realize that building regulations and 'conforming' to them comes at a price for private actors to meet the mandatory standards.



CONTEMPORARY PLANNING APPROACHES FUNCTION ON THE BELIEF THAT COMPLEX URBAN PROBLEMS REQUIRE EQUALLY COMPLEX RULES.

These standards impose costs on construction, making them less affordable, especially in case of low-income households thus depriving them of legal housing. (Patel, Byahut, & Bhatha, 2017). One such example is noted in a study conducted in Ahmedabad, 'Building regulations are a barrier to affordable housing in Indian cities: the case of Ahmedabad' (Patel, Byahut, & Bhatha, 2017). The study concluded that relaxing a few mandatory building and site planning regulations can reduce housing cost by 34% simultaneously increasing the supply of housing by 75% without compromising on safety or quality of construction. Thus, there is a need to critically examine current building regulations and modify them.



REGULATIONS IMPOSE COSTS ON CONSTRUCTION, MAKING THEM LESS AFFORDABLE, ESPECIALLY IN CASE OF LOW-INCOME HOUSEHOLDS THUS DEPRIVING THEM OF LEGAL HOUSING.

04 Recommendations

At the heart of the problem lies the need to realize that urban development choices must be equitable and urban transformations through planning must be more effective and flexible. Adopting 'performance' based planning approaches will require an in-depth inquiry into the various levels of planning, and its impact on different stakeholders. To this effect, the following recommendations aim to contribute to the larger discussion of reforming current city-systems in India.



Revision of Spatial Development Plan documents

Strategic plans define long-term urban development without having a conforming effect, while regulative plans define transformation areas having a direct effect on implementation of the objectives set by the strategic plans.



Inclusion of Local Area Plans

Local Area Plans can address several challenges such as inclusion of public spaces, provision of service infrastructure, effective management of solid waste etc at the local level.



Liberalize use of FSI and Relax land-use restrictions

FSI is primarily used as a tool to determine city form and density, but inappropriate FSI, zoning and land-use restrictions inhibit development and hinders the capacity of private players to be competitive.



Relaxation of Building Bye-laws/ Regulations

Current, building bye-laws and development control regulations are often written in archaic complex language that are difficult to decipher for anyone not involved in the construction/building industry. Regulations must be modified to an extent that they are effective in clarifying choices and simplify decision making process for private players.



Adopting a participatory planning/ bottom-up approach

Public participation in the planning making process is the only way to bridge the gap between the system and citizens. The lack of trust between development authorities and citizens must be resolved through continuous participation.

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