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# Private Events in a Public Park: Contested Music Festivals and Environmental Justice in Finsbury Park, London

Andrew Smith, Guy Osborn,  
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## 1 Introduction

On 5 May 2020 Live Nation announced that the UK's biggest urban music festival, Wireless, had been cancelled because of measures imposed to control the spread of COVID-19. In response, a cabinet member from Haringey Council tweeted:

**Finsbury Park is an iconic gig venue.** I am sorry that [#Wireless](#) won't be there this year, but understand we must [#staysafe](#), keep our distance and [#ProtectTheNHS](#). Live music is part of the rich mix that is the [#FinsburyPark](#) we know and love [@haringeycouncil](#) (Hearn 2020, our emphasis)

This tweet was swiftly followed by one from the Friends of Finsbury Park, a local pressure group and charity which campaigns for 'a greener, healthier park', and which has consistently objected to Wireless since it moved to Finsbury Park in 2014:

Cllr Hearn - **Finsbury Park is first and foremost a \*Park\***! Thank you for confirming the cancellation; we welcome this decision. The local com-

munity will be glad to know they will have full access to this fine public space over the summer.

(Friends of Finsbury Park 2020, our emphasis)

This exchange between a councillor and a pressure group captures the essence of a long running disagreement over Finsbury Park's use as a venue for music festivals. This debate has become increasingly prominent in recent years, attracting national newspaper coverage (Hancox 2019b; Hunt 2018). Some may consider this to be a local and unremarkable dispute, but it raises significant questions about public green spaces, not least: *who and what are our parks for?* Contested park festivals highlight pivotal issues surrounding how urban green spaces are used, funded and managed, and show how private interests affect public spaces. In 2019, London became the world's first National Park City, a title awarded to acknowledge the important role that parks and green spaces play in the UK capital. But these spaces are inequitably distributed and highly contested, especially so in an era of neoliberal austerity (Smith 2020), and the dispute over staging music festivals in Finsbury Park is indicative of wider resistance to exclusive, private uses of London's green spaces (Smith 2019). The issue of equitable access—who gets to use the park and when—is a key part of debates surrounding urban green space and environmental justice. As Loukaitou-Sideris and Mukhija (2019) note, the literature on park inequities tends to focus on distributive justice,

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but the case analysed here also highlights the importance of procedural and interactional justice (Low 2013). By analysing the accessibility and inclusivity of city parks, our work addresses Goal #11 of the United Nations Sustainable Development Goals: to make cities inclusive, safe, resilient and sustainable.

This chapter explores contested music festivals staged in Finsbury Park and focuses on one festival in particular, Wireless. We examine the legal challenge over the right to stage this festival to understand wider debates about the accessibility of green space and to highlight arguments over how London's parks are used, funded and regulated. To introduce this dispute, we first examine the history of staging music festivals in London parks and locate this discussion in the wider context of contested park use. We then examine the legal action mounted by the Friends of Finsbury Park and the key arguments of proponents and opponents of using Finsbury Park as a venue for music festivals. The long-term significance and the wider implications of the case study are then discussed. Ultimately, we argue that there is nothing essentially new or wrong with using public parks as venues for music festivals. These festivals can help to make parks more public, especially if they are free, and if they represent and attract minority groups that are excluded from parks. However, when decision-making is driven by financial considerations, the scale, exclusivity and regularity of contemporary festivals begin to affect the publicness of municipal parks. Sustainable urban development means striving for environmental integrity, but also social equity, and we argue that the contemporary prevalence of music festivals in London's parks exacerbates the city's inequitable provision of urban green space.

## Reflections on Methodology

This chapter is based on a series of qualitative research exercises conducted in the period 2017–2020. The authors have immersed themselves in the case study by attending various meetings and hearings, including meetings of the Friends of

Finsbury Park, and the Court of Appeal hearing in November 2017 at which the Friends challenged the decision of the High Court that Haringey Council and Live Nation were entitled to stage the Wireless festival (Dobson 2018). The contested legality of park festivals is the subject of the work we present here but also a key way that we have researched the issue of festival incursions. The chapter is also based on observation exercises undertaken in Finsbury Park before, during, and after at the 2019 Wireless festival and similar exercises before, during, and after other music events staged in 2019. We also interviewed the Chair of the Friends of Finsbury Park in 2018 and developed a better understanding of some of the issues by joining a series of guided walks that were organised in 2019 by 2NQ, a not for profit arts, culture, and heritage organisation. One of these happened on Sunday 7 July—during the 2019 edition of Wireless. Our work is also informed by the large number of documents published online by Haringey Council, the Friends of Finsbury Park and other key stakeholders, and by media coverage of the dispute at the heart of the chapter.

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## 2 Contested City Parks in the Neoliberal Era

A significant volume of literature, much of it produced by US authors such as Low et al. (2009), Mitchell (2017), and Zukin (1995), has given us a better understanding of city parks as inherently contested spaces. This body of work suggests that politics and struggle are not merely common features of parks, they are constitutive elements that transform green spaces into public spaces. Because of their symbolic significance at the heart of many communities, struggles over how parks are used are not merely about what happens within the park, but represent wider conflicts. As Trouille (2014: 69) argues, park conflicts, 'often become symbolically charged battles over the meaning, control and future of city neighbourhoods'.

City parks host an array of functions and are meant to appeal to multiple audiences, and so there are obvious struggles over who gets to use

them, and for what purposes. There are strong links here to wider debates about the ‘right to the city’ (Harvey 2013), which are prominent in academic work, but which now feature in public discussions too. Park disputes can often be boiled down to ongoing debates over: what the park constitutes; appropriate uses of parks; and who parks are for (Churchill et al. 2018). Over time, expectations of the services that public parks should provide have increased, with traditional functions such as passive leisure, social interaction, and sports activities supplemented with educational activities, live entertainment, and various forms of consumption. On top of this, parks are now also identified as key vehicles for providing a range of ‘ecosystem services’ which ensure cities remain liveable spaces. There is also an important representative function of public parks—they are often regarded as places to protest, celebrate, and mark significant moments, and are deployed by civic boosters as powerful marketing tools. Inevitably, these different functions clash: even in large urban parks it is difficult to accommodate such varied notions of what a park is, and what it is for. As Mitchell (2017) argues, whilst we tend to get a little carried away with dramatic prophecies about the end of public space, we need to better understand the ends to which public spaces are put.

In an era of neoliberal austerity, a period when public management and public funding of city parks has been undermined, park conflicts are often underpinned by disputes over functions imposed to generate commercial revenue (Smith 2020). As Loughran (2014) notes, parks in neoliberal contexts such as the US now face pressure to become more entrepreneurial. In the UK, approximately 30% of park budgets are generated by commercial activities (Heritage Lottery Fund 2016), and Dempsey (2018: 57) predicts that ‘income generating activities will become a much more regular feature in parks and open spaces’. Some ways of generating revenue are now accepted and even welcomed, for example, cafes and concessions, and charges for sport facilities and car parking (Nam and Dempsey 2020). Others are more controversial. Over the past 20 years, the rise of the experience

economy (Pine and Gilmore 1999) has encouraged park authorities to hire out parks as venues for events. For example, Schweinsberg et al. (2017: 244) note that in Sydney’s Botanical Gardens, ‘there has been a growing commercialisation of the gardens through exclusive use for activities such as weddings, corporate events, outdoor cinema and major tourism events’. In the US, during 2018/9, New York’s City’s Bryant Park earned more than half of its \$22 million budget from its Winter Festival (Bryant Park Management Corporation 2019).

In London’s municipal parks, the most lucrative events staged are urban music festivals which have grown in number and scale in recent years (Smith 2019). These are amongst the most contested uses of London’s parks as the discussion presented later in this chapter highlights. Alongside obvious issues with noise and other nuisance effects, large-scale festivals hosting up to 50,000 people require extensive facilities and security apparatus to be installed—these close off large sections of public parks for several weeks. There are obvious socio-spatial justice implications of staging these events, not least the ways they limit public access to public parks, temporarily privatising them. However, these effects are complicated by the fact that festivals often appeal to younger, more diverse audiences. Thus, for some, urban music festivals represent effective ways to disrupt the old-fashioned image of municipal parks by visibilising underrepresented cultures and people.

## On Music Festivals and Juridification

The live music sector has become increasingly important given challenges faced by the recorded music industry due to digitisation and falling sales of physical products. Music promoters have become more prominent, particularly because of the exponential growth of music festivals. Writing in 2007 Frith noted

For British promoters the most significant means of expanding the size of the audience has undoubtedly been the festival. Festivals are the key asset in the portfolios of the international

corporations now dominating British concert promotion and the economic reasons are obvious... The British rock industry is now organised around the summer festival season. (Frith 2007: online)

A decade or so later, at least until the COVID-19 crisis, festivals continued to be crucial to the economic health of the music industry. In 2015 UK Music found that the total direct and indirect spend at UK festivals was in the region of £1.7 billion, sustaining over 13,500 full-time jobs (UK Music 2015; Webster and McKay 2016). Their absence in the summer of 2020 was painfully felt by festival employees, promoters and punters alike, with a shift instead to digital consumption (CIPEC 2020).

Analyses of festivals have become increasingly prevalent in live music scholarship and Frith (2020) categorises this sub-field as being focused on one of four areas: *economics* (festival as commodity), *sociology* (festival as rite), *politics* (festival as setting for disputes/causes) or *psychology* (festival as experience). We are particularly concerned with the third of these, the political dimension, which includes issues relating to law, regulation, policy and ideology. Talbot (2011) explores the escalation of powers to police activities and behaviours and one example she gives is Stokefest, a music festival in Clissold Park, London—barely a mile away from Finsbury Park—which was cancelled in 2009 after a variety of new requirements were imposed by Hackney Council. Talbot used, in part, the theory of juridification to frame her analysis.

Legal innovation, normalisation and commercialisation have therefore been the conjoined strategies to contain free, open and alternative events. The concept of juridification expresses both this tendency towards the over regulation and contractualisation of everyday life and the way in which it impacts negatively on the cultural 'lifeworld', closing down the possibilities of the free or experimental use of public space. (Talbot 2011: 87)

Juridification is a nuanced concept. Associated with the work of Teubner (1987), it was further developed by Habermas to analyse the social and cultural consequences of the overproduction of law. Broadly speaking it concerns the process by which areas of civil society come

within the purview of the regulatory gaze. The way that the law impacts and intersects here is, however, complex. Blicher and Molander (2008) map five dimensions of juridification (constitutive, colonisation, conflict solving, judicialization, legal framing), but two specific dimensions are most useful in helping us understand the framing and regulation of space in the context of park festivals; law's colonisation and legal framing. The former concerns how law expands and becomes more dense—law conquers fertile ground—areas that were previously unregulated become regulated. In previous work on London's Hyde Park, Osborn and Smith (2015) argued that a shadow legacy of staging Olympic events in 2012 was a raft of new regulatory measures, part of a process of regulatory creep. The second key element, legal framing, concerns the idea that things increasingly are seen through a legal lens; people, bodies, events see things or themselves as legal persons or through a legal perspective. For events in parks, we see these two phenomena through increasing amounts of park regulations and the ways in which user conflicts within parks are increasingly addressed as legal issues.

The contrast between free festivals and commodified music events noted by Talbot (2011) is also highlighted by Griffin et al. (2018). Music festivals have long provided vehicles for licensed transgression, allowing release from everyday pressures and constraints, but Griffin et al. (2018: 480) suggest that major music festivals are now 'highly commercialised bounded spaces in which the experience of freedom is commoditised, subject to external and internal regulation'. Even though these events draw on the counter-cultural ideals of the free festival movement (Morey et al. 2014), the experience of festival goers is highly constrained and choreographed. Regulatory practices take various forms: fences and watch towers, security personnel and searches, tickets and other conditions of entry, and plus various restrictions that protect the interest of sponsors (Griffin et al. 2018). These interventions become particularly problematic when municipal parks are used as venues for events, as they contradict the principle that these green spaces should be freely accessible to everyone.

Park festivals *can* have positive effects on host locations. They increase revenue for park authorities and local businesses, provide job opportunities, enhance civic pride and reinforce cultural identity, and help to make host locations and minority cultures more visible. As Wynn (2015) has shown through his analysis of music festivals in the US, a festival can be leveraged by various stakeholders within a locale to attract audiences, create place-based growth, foster community and promote economic development (Brucher 2020). But there is a flipside, and the negative aspects of festivals are covered well by Pavluković et al. (2017: 43):

changes in community values and patterns, environmental damage and litter, higher prices of basic services, resident exodus, interruption of normal business, noise and crowds, unsafe sexual behaviors, use of alcohol and drugs, conflicts with festival goers, xenophobia, commodification and exploitation of culture and traditional ways of life.

Issues of gentrification are particularly relevant here, as there is a noted trend for urban entertainment functions to be resisted by new residents (Eldridge 2019). Therefore, whilst music events can contribute to the gentrification of urban green spaces, festivals can also be negatively affected if new residents oppose them because of noise and other nuisance effects. Trying to weigh up the pros and cons of using parks for festivals is complicated by the fact that many impacts occur beyond the confines of park boundaries. For example, Brucher (2020: 30) asks ‘does increased traffic at local businesses, for example, balance out limited public access to parks during these private events, and the damage to public property incurred by their large crowds?’ These trade-offs, between rewards and risk, and public costs and private benefits, run through many of the debates surrounding music festivals in parks.

One of the justifications for staging festivals in parks, rather than stadiums or other purpose-built venues, is that festival goers are able to engage with natural settings, providing satisfying festival experiences and opportunities to promote ecological messages and pro-environmental

behaviours. Bendrups and Weston (2015: 65) argue that ‘given the fact these festivals are so often associated with counter and youth culture, they are perfectly suited for resonating with green and eco-aware sensibilities’. However, the authors also suggest that ‘highly urbanised music’, which characterises the music performed at the festivals discussed in this chapter, ‘may not align thematically with environment or ecology’ which undermines this justification (Bendrups and Weston 2015). When venues are installed in large parks this allows festival goers to feel detached from surrounding urban areas, creating a sense of remoteness that festival audiences crave. This means urban festivals can achieve some of the separation experience that is sought by festival attendees without city dwellers having to travel far from home (Packer and Ballantyne 2011). According to Morey et al. (2014), this is part of a prevailing trend towards affordable escapism.

The established practice of staging music events in parks means that many local people now anticipate urban green spaces will be used as venues. For example, Brucher (2020: 30) notes that the Grant Park Music Festival, which has moved location twice within Chicago’s lakefront parklands, ‘helped generate an expectation among residents that parks provide not just recreational space, but musical programming too’. In neoliberal contexts, this expectation has translated into the physical design of parks, where purpose-built performance spaces provide dedicated venues for music events. Chicago’s Millennium Park features a stage designed by Frank Gehry (Brucher 2020), a spectacular version of the band shell structures that occupy many US parks. These are less common in the UK and other northern European countries, unless you count the traditional bandstands and small stages that continue to host musical performances. There are some isolated examples of larger venues in the UK. Crystal Palace Park in London hosts music events in an outdoor auditorium that was installed in 1996/7 on the same site that hosted a series of famous music events staged in the 1970s.

## Park Live: Music Festivals in London's Parks

Staging music events in London's parks is not a new phenomenon. In 1942, London County Council staged nearly 500 concerts, 250 concert parties and over a hundred open-air dances' in the city's parks (Elborough 2016: 262). According to Hannikainen (2016), the number of musical performances peaked in the summer of 1966 with 1,680 Greater London Council events staged in parks. Around the same time a series of free rock concerts were staged in Hyde Park (see Fig. 1). Hyde Park was considered suitable for mass events because of its central location and open character (Hannikainen 2016) and rock concerts were permitted here from 1967 to 1973.

During the 1970s promoters began putting on large-scale music events in London parks. For example, twice yearly one day festivals were staged in Crystal Palace Park (see Fig. 1) throughout the 1970s. Some of these performances were highly political and controversial. The Stranglers played a concert in Battersea Park (see Fig. 1) in 1978 even though they were banned from playing in the UK capital. These events reinforced the idea that parks were appropriate venues for assemblies, protests and celebrations. In the 1970s and 1980s, the most significant music festivals staged in London's parks were free events organised as protests. The most famous was Rock Against Racism, an anti-fascist carnival staged in Victoria Park (see Fig. 1) on 30 April 1978. There were also several 'Festivals for Life' organised by the Campaign for Nuclear Disarmament, including one in Brockwell Park in 1983 (see Fig. 1). A series of *Jobs for a Change* festivals were staged by the Greater London Council in several London parks in 1984–85 as part of ongoing opposition to the Thatcher government. The Battersea Park edition in July 1985 attracted 250,000 people.

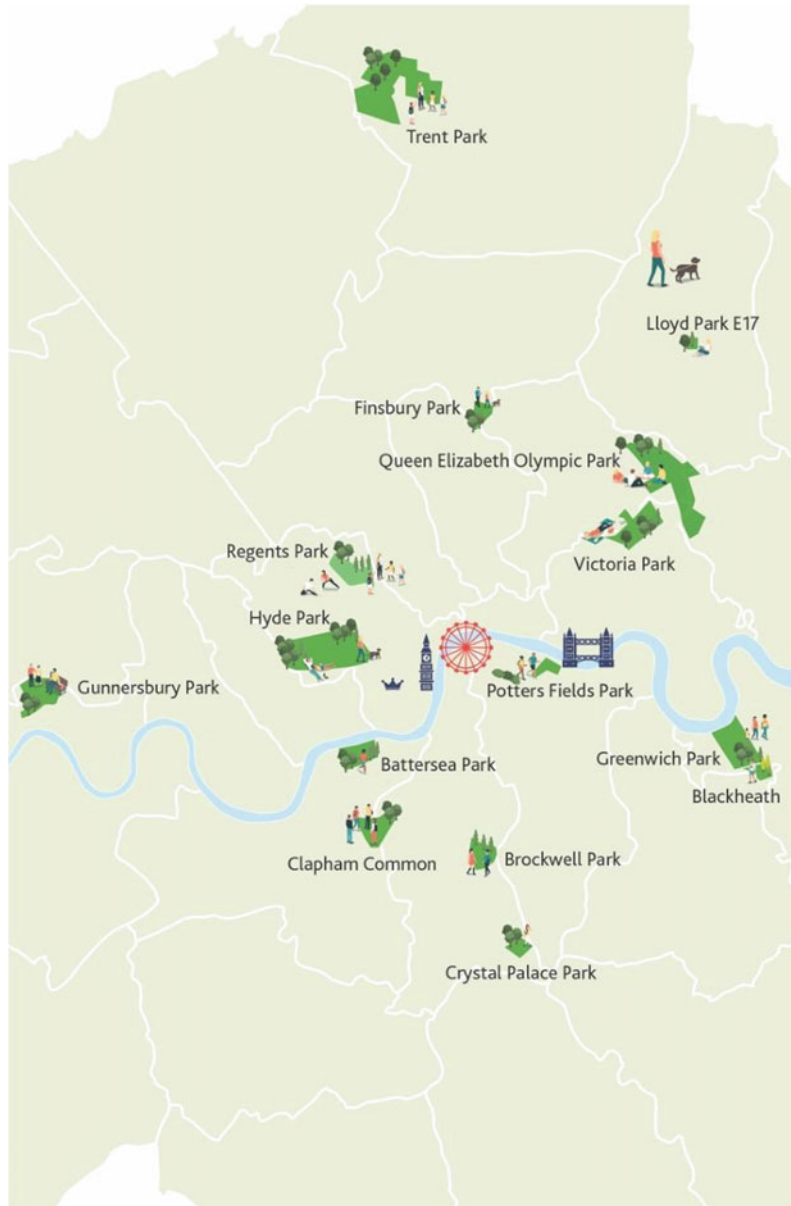
The Greater London Council-funded festivals were part of a strategy to popularise 'leftist sentiment' (Cloonan 2007) and were generously funded. The Greater London Council spent £1,062,000 on outdoor entertainment in 1982–83 (Hannikainen 2016), claiming £230,000 back in

income. These figures indicate that events were essentially provided for political, social and cultural reasons, rather than for financial ones. Free and highly political festivals contrast markedly with events staged from the 1990s onwards which were more commercially focused and exclusive. Indeed, whilst the most prominent park festivals staged during the 1970s and 1980s were vehicles *of* resistance, later festivals were subjected *to* resistance because they were seen as part of the privatisation and commercialisation of public space (Smith 2018). The demise of the Greater London Council in 1986, and the decision to hand London Boroughs responsibility for managing and maintaining the Council's portfolio of large parks, exacerbated funding shortfalls. In this context, there were added incentives to adopt more entrepreneurial approaches to park management. Smith (2019) and Smith and Vodicka (2020) highlight that many of these ex Greater London Council parks now host multi-day music festivals, including prominent parks like Brockwell Park and Victoria Park. Suburban parks, country parks on the metropolitan fringes and several commons in South London now also stage large-scale music festivals (Fig. 1).

### 3 Finsbury Park. The People's Park?

Originally intended to be one of London's Royal Parks, Finsbury Park eventually opened as a municipal park in 1869. Financial constraints meant the park was created at a location where land was affordable—this was some distance from Finsbury in an area 4 miles north of London's centre. Over time, the district around the 46 hectare (115 acre) green space also became known as Finsbury Park. This is a very diverse area both in terms of its ethnic and socio-economic diversity: over one-third of local residents are from black or ethnic minority groups (Haringey Council 2020). Finsbury Park now has to serve a much more varied set of needs associated with an increasingly heterogeneous population. The administration of the park is complicated by territorial complexity: although the park is funded and managed by one Borough

**Fig. 1** A map of featuring London parks that have hosted music festivals (Mason Edwards)



Council (Haringey), it is located on the border of three Boroughs (Haringey, Hackney and Islington).

A petition from inhabitants of City of London and the Borough of Finsbury in 1841 had made clear the need for the park and the benefits it would generate:

Parks and Public walks may be established or secured for the promotion of health and

improvement of the moral condition of the middling and poorer classes of such City and Borough, and as the only means of affording the healthful exercise and recreation to the classes and industrious population located in these confined districts... (Hayes 2019, 24)

Whilst the ambition that Finsbury Park might improve the moral condition of citizens seems outdated, the other intended functions of the park remain relevant to the present day, particularly





**Fig. 2** The part of Finsbury Park used for large music festivals (Credit Andrew Smith)

given the lack of urban green space in this part of London (Haringey 2020). As Stansfield (2018) notes, Finsbury Park is a heterogeneous ‘space of multiplicity’, which hosts a wide range of encounters, ethnicities and activities. It is a large Victorian Park, which features a boating lake, extensive sports facilities and an art gallery, but it also has a reputation for drug dealing, cruising and vandalism (Stansfield 2018). The park hosts a wide range of users, including homeless and insecurely housed people living in tents, something we noted during our own observations. Stansfield’s interviewees noted that users liked the park because it is a tolerant space, open to everyone, where people don’t tell you off (unless you are barbecuing!). These qualities mean Finsbury Park can still legitimately claim to be a people’s park: it is a refuge for many, ‘a green place to spend time without pressure to spend money’ (Stansfield 2018: 452). The welcome contrast to the commercial and privatised landscapes of twenty-first-century London perhaps explains why ticketed music festivals staged here are so vehemently opposed by some (Fig. 2). Concerns about the festivals reflect wider concerns about urban change. As Stansfield (2018) notes, the issue of public space privatisation is currently ‘playing out in Finsbury Park, both in relation to regeneration developments [in the wider area] but also large -scale music festivals in the park itself’.

## A Musical, Municipal Park: Music Events in Finsbury Park

The green spaces of Finsbury Park have an impressive pedigree as a place that has hosted musical performances. The first open-air symphony concert of the London Philharmonic Orchestra took place in the park in 1948, and an alternative to the Notting Hill Carnival was staged in Finsbury Park from 1978 to 1981 which included reggae and steel bands. The Greater London Council [GLC] organised various events including an anti-heroin event in 1985 (Hayes 2019). However, towards the end of the 1980s, there was a noticeable shift from programming driven by cultural and political motives, to a situation where financial considerations were more prominent. This coincided with the transfer of responsibility for the park in 1986 from the GLC to Haringey Council. The local authority was keen to increase income to help offset the costs of maintaining the park. Haringey, as the Chair of the Friends of Finsbury Park told us: ‘had a fraction of the resources that the GLC had to manage it and have never really been able to properly fund it since the 80s’.

The outcome was a more commercial approach and a change in the types of events staged. Hayes (2019: 78) confirms this in his recently published history of Finsbury Park:

[i]n order to raise money for the parks department, Haringey increased the size and duration of music events in Finsbury Park inviting various promoters to use the park for large scale commercial festivals.

The new commercial orientation was achieved via the involvement of Irish entrepreneur Vince Power and his company the Mean Fiddler and Workers Beer Company. Mean Fiddler organised New Year’s Eve Parties, various one off concerts and The Fleadh, which began in 1990 as a celebration of Gaelic culture. The Fleadh continued to be staged in Finsbury Park until 2011, when Bob Dylan was amongst the headline acts. By this time Vince Power had sold his company and the rights for the Fleadh, so the event was

renamed The Feis. One review described this event as ‘a gathering of the surly, the incontinent and the downright aggressive’ (Sutcliffe 2011), with the same reviewer concluding that:

it’s beginning to dawn on younger music-lovers, too, that endless queues for terrible food and overpriced beer, surroundings like a Chicago stockyard and a performance schedule that treats the audience as the least important component in the whole affair, aren’t all that good a deal — whoever’s on stage.

As Morey et al. (2014) rightly note, commerce has been bounded up with festivals since their beginnings, but, like other festivals in the period 1990–2011, The Fleadh had morphed from a commercial, but meaningful and rooted cultural celebration, into an expensive, commercialised, and standardised event.

Other music events during the period 1990–2014 included a 1992 Madness Concert which marked the start of a series of four biennial ‘Madstock’ events. The inaugural edition famously triggered an earthquake, and the subsequent evacuation of three tower blocks, which was caused by 75,000 fans jumping up and down. This incident highlights the effects music events were beginning to have on surrounding neighbourhoods, with inevitable complaints. Other concerts at Finsbury Park included John Lydon returning to the area for a Sex Pistols’ ‘Filthy Lucre’ reunion in 1996, a Pulp concert in 1998, and Oasis and New Order concerts in 2002. There were also several multi-day music festivals, including Great Expectations (1993), Jam in the Park (1997) and the Essential Festival (1997)—an early version of the Electronic Dance Music festivals that have been staged in the park in recent years.

Since the Millennium, some free music events were hosted in Finsbury Park that challenged the political status quo. Between 2006 and 2010 *rise*, a free anti-racist festival was staged. Initially set up by the Trades Union Congress in 1996 as *Respect*, and revived under Ken Livingstone whilst Mayor of London, it became *rise* in 2006 following the formation of the Respect political party. This event helped to reinforce the reputation of Finsbury Park as a politically charged

space, an identity that had been forged in the twentieth century when the park had hosted assemblies organised by the Suffragettes and Oswald Mosley. In 2009, a year after he became Mayor of London, Boris Johnson announced plans to scrap the *rise* festival, citing the failure to find a sponsor as the key reason. Johnson had already announced the removal of the anti-racism message from promotional material the previous year on the grounds that it was not appropriate to have political organisations involved in festival programmes. The cancellation of a festival that encouraged young people to vote against racist parties was heavily criticised (Mullholland 2009).

An article in the *New Statesman* (2008) which anticipated the demise of *rise* suggested ‘it’s anybody’s guess what Boris [Johnson] will choose to do instead in years to come. A Tory-style village fete, perhaps?’ The actual response was more predictable. In a manner highly symbolic of the politics of the era, a series of highly commercialised concerts and festivals were organised by global entertainment companies. Major acts such as The Stone Roses (2013) and the Arctic Monkeys (2014) staged high-profile gigs, and Finsbury Park became the setting for the sorts of music festivals which had become ‘contemporary tourist destinations’ and ‘important sites of consumption within Britain’s experiential economy’ (Griffin et al. 2018: 481). In 2014, Haringey Council published a new Event Policy for Finsbury Park which limited Major Events (those involving an audience of 10,000 people) to 5 per year, each lasting between 1 and 3 days. Rather than seeing this as an upper limit, The Council has tried to stage as many large events as possible within these constraints. This has tended to mean an annual calendar involving large-scale electronic dance music festivals in the Spring and Autumn, plus a more intense series of festivals in late June and early July. The Friends of Finsbury Park claim that in 2018 the park was disrupted by the assembly, disassembly or staging of events for over 100 days. In 2019, week-end long music festivals were staged during periods when the park was most in demand: in May (Steel Yard), June (Community Festival),

July (Wireless), August (Sink the Pink) and September (Hospitality/Abode). This calendar emphasises the way that festivals now impinge on the everyday accessibility of urban green space. Several events staged in Finsbury Park have been opposed by local residents, but the annual staging of Wireless has proved to be particularly contentious.

The Friends of Finsbury Park have led the opposition to Wireless. This group of volunteers was set up in 1984 to aid the *conservation, protection and improvement* of the park. Like many of the other 600+ friends of parks groups in London, the Friends of Finsbury Park was established to respond to the threats posed by reductions in local government funding and new opportunities to bid for funding from grant schemes. Through their campaigning, fundraising and involvement in stakeholder meetings, The Friends of Finsbury Park promote the interests of park users. Although membership is free, and participation from all sections of neighbouring communities is encouraged, the Friends are vulnerable to criticism about how representative they are of park users. At the meetings we attended, young people and non-white members were present, but members are generally still whiter and older than the average park user. This means their long-standing opposition to music festivals is sometimes dismissed as conservative NIMBYism, rather than environmental activism.

#### 4 The Wireless Dispute

The Wireless festival was first staged in Finsbury Park in 2014. This multi-day event is promoted by Live Nation which is one of the world's largest entertainment companies and one that has played a key role in the corporatisation of the festival industry (Morey et al. 2014). Live Nation now controls around a quarter of UK festivals that have a capacity in excess of 5,000 people (AIF 2019). Wireless is organised by Live Nation's Festival Republic arm, a company that

organises some of the UK's largest festivals, including the Reading Festival. Wireless had previously taken place in other London parks including Hyde Park (2005–2012) and Queen Elizabeth Olympic Park (2013). The event is now billed as the UK's largest urban music festival, but early editions featured mainstream rock and pop acts and it is only more recently that Wireless has become a celebration of black British music, particularly grime (Hancox 2019a). This gritty musical genre emerged around 2002 in the Bow area of East London and has been described as '...a self-consciously and unashamedly edgy, unadorned Black music genre that fused the rhyming tradition of Jamaican dancehall culture, from which US rap sprang, with hip-hop inspired rhythms or beats that were initially made using basic music software or games consoles' (Fatsis 2019: 448–9). The increased profile of Wireless since it moved to Finsbury Park in 2014 has coincided with grime's increased prominence and cultural significance (Hancox 2019a). This is an expensive event to attend: in 2019, the lowest priced day ticket was £65 + booking fee, and even though the festival accommodates around 50,000 people on each of its three days, tickets are very difficult to access. Therefore, whilst the event is a celebration of both British black cultures and London youth cultures, it is a relatively inaccessible event (Fig. 3).



**Fig. 3** The entrance to the 2019 Wireless festival in Finsbury Park (Credit Andrew Smith)

## The Legal Challenge

Opposition to Wireless coalesced after the first two editions, culminating in a legal challenge. In 2015 Festival Republic applied to Haringey Council for a licence to stage Wireless in Finsbury Park for a third time. This application—for the 2016 edition—involved enclosing 27% of the park with high security fencing and disrupting public access during an extended period of assembly and derig (from 25 June to 15 July). According to the Council's Outdoor Events Policy (Haringey 2014), applications for major events have to be received at least 9 months prior to the proposed start date of any event, to allow for consultation with key stakeholders. In addition to this requirement, the event promoter must apply for a premises licence under the provisions of the *Licensing Act 2003*. The Friends of Finsbury Park, as a consultee under the Outdoor Events Policy, was notified of the application on 3 December 2015.

The Friends of Finsbury Park submitted an objection, partly contesting the merits of the application but also contending that Haringey Council did not have the power to authorise the event as it compromised their responsibility to provide a public park. Notwithstanding this, on March 18 the Council agreed to hire part of the park to Festival Republic. In response, the Friends applied for a Judicial Review of that decision, funded by donors who were sympathetic to their cause. Melvin Benn, the CEO of Festival Republic, responded to the threat of a legal challenge from the Friends by dismissing opponents as NIMBYs.

It is nimbyism. They have jumped on a bandwagon to try and prevent Haringey Council doing what the Government has insisted every single local authority do at this time, which is to gain as much income from their assets in order that the burden on the taxpayer doesn't have to be increased. Benn, cited in Hanley (2016)

This rhetorical tactic is commonly used by proponents of park events, as it helps to paint their opponents as over-privileged, selfish moaners who are motivated to resist because of personal inconvenience rather than by principled

opposition to park incursions (Smith 2018). Benn's quote highlights the significant contribution Wireless was now making to the local authority's parks budget. A Freedom of Information request indicated that the 2016 edition, which is explored in more detail below, generated £446,264 in fees for Haringey Council, approximately half of the annual budget required to maintain the park (Smith 2019). Whilst staging Wireless made sense from a financial perspective, especially given severe cuts to local authority budgets, these fees were earned by hiring out a public space to a private company which disrupted access to a large part of an important public space for an extended period. This 'incursion' into public space was at the heart of the legal challenge mounted by the Friends of Finsbury Park. According to their Chair:

fundamentally, it's about: should a park be rented out? And I'm not sure if that's a good thing. There's also the question of, is it morally justified to make a profit from renting out a public space? Because that's what's been done in the case of Finsbury Park. (Interview with Chair of Friends of Finsbury Park 2018)

By this time, hire fees from music events were earning more than £1million a year for Haringey Council, and the Friends contend that this is more money than is actually required to maintain Finsbury Park.

An expedited High Court hearing was held on 9 June 2016, but the Friends' case was dismissed by the judge allowing the 2016 Wireless festival to go ahead. Later in 2016, leave was granted for the Friends of Finsbury Park to appeal the decision. Permission to appeal was granted on the solitary point that the judge had erred in holding that Section 145 of the *Local Government Act 1972* authorised the council to hire out the park.

The Friends of Finsbury Park were joined in the action heard at the Court of Appeal by the Open Spaces Society who were allowed to be added as 'interveners'. The role of intervener essentially allows interested parties to provide useful information to the court (Public Law Project 2008). The Open Spaces Society is England's oldest conservation group and has

highlighted the worrying commercialisation of public spaces through its Save our Spaces campaign. Their involvement highlighted that the case had wider national significance.

At the Court of Appeal hearing held on 17 November 2017, the arguments of the Friends of Finsbury Park and the Open Spaces Society were slightly different. The Friends argued that Local Government Act 1972 s145 did not give the local authority the power to enclose large parts of the park for such a long time, as the Act did not explicitly state that the public may be excluded. The Open Spaces Society proceeded on a different basis. They accepted that the Local Government Act 1972 s145 gave the Council the power to close the park, but argued that this specific section did not in fact apply. Its argument was that the legislation that should have been applied was the snappily titled *Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967*. This Act permits only 10% or 1 acre of any park to be enclosed, whichever is the greater. It also stipulates that commercial events cannot be staged on more than 8 Sundays or any more than 35 days in total. There are also restrictions on commercial activity in this legislation, with shops and stands limited to 10% of the enclosed area. According to the Chair of the Friends of Finsbury Park:

the legislation had in mind exactly the kind of situation that Finsbury Park is in now, where the park is being overused, too much of it was being shut off, people didn't feel like it was a park anymore (Interview with Chair of Friends of Finsbury Park 2018).

The Court held the 1967 Act was an alternative approach that was available to London local authorities, but it did not restrict the potential application of the 1972 Local Government Act, upon which Haringey Council had based their decision. On that basis Haringey were at liberty to enclose part of the park and to rent the site and exclude the non-paying public for a temporary period. Therefore, whilst many felt that Wireless is responsible for unjustly disrupting access to public space, the UK courts had ruled that this type of incursion was legal.

The Friends of Finsbury Park and the Open Spaces Society were unsurprisingly disappointed at the outcome of the legal hearings and highlighted implications for park management by UK local authorities. Hugh Craddock from the Open Spaces Society expressed his ongoing concern that 'Some councils have acted as if their parks were their own private land, and rented them out to maximise revenue' (Open Spaces Society 2017). Subsequent references to the case have emphasised this point too. For example, in her review of a significant book on new forms of land privatisation in the UK, Layard (2020) suggests that events like Wireless should be included as examples, as they involve local authorities leasing out public space to private companies. In the aftermath of the Judicial Review rulings, the Friends of Finsbury Park suggested that they would continue to fight the legality of Wireless by highlighting the issue of stewardship:

One of things we're exploring is looking at trust law because technically, Finsbury Park is Metropolitan Open Land which is held on trust for the benefit of the public. In effect, the council are trustees and we're looking at whether or not the trust between the public and the council has been breached through their use of Finsbury Park so we're talking to trust solicitors at the moment. (Interview with Chair of Friends of Finsbury Park 2018)

Although the Friends were ultimately defeated in their mission to prevent Haringey Council from staging the Wireless festival, there were some aspects of the Court of Appeal ruling that they were pleased with. A key outcome of the case was the stipulation that the Council held the park in trust 'for the enjoyment of the public', and therefore surpluses earned by hiring out parks for festivals should be spent on the host park and not used to cross subsidise wider local authority budgets. This was welcomed by the Friends as it dulls the incentive to exploit Finsbury Park as a 'cash cow'. The latest information suggests Haringey Council earned around £1.2million per year from festivals staged in Finsbury Park in 2018/9 and, according to the Council, all of this money has been spent on the

park (Finsbury Park Stakeholders Group 2019a). The effects of this extra spending are already visible. Additional funds have been allocated to maintenance and staffing, visibly improving the quality of the park environment and the user experience. However, there remain questions about the transparency of income and spending—and doubts about how feasible and advisable it is to separate Finsbury Park's accounts from the Borough's wider parks budget.

Pressure from the Friends has also resulted in other changes that may help to alleviate conflicts over future festivals in Finsbury Park. Although never realised because of the coronavirus crisis, the festivals due to be staged in 2020 were scheduled in a concentrated 4.5-week period over the summer. This would have reduced the amount of park days disrupted by assembling and disassembling festival structures from 44 to 25 (Finsbury Park Stakeholders Group 2019b). The new calendar would have also restricted turf damage to a confined period, allowing more time for recovery.

### A Green Park

The core aspect of the dispute addressed here is the equitable provision of public space and whether or not it is appropriate to restrict access for extended periods. However, there is also an environmental dimension, as Finsbury Park is not merely a public, open space, but a green one too. In their campaigning, The Friends of Finsbury Park highlighted the ways festivals damage the park's flora and fauna in various ways: through the physical pressure exerted by event vehicles, installations and attendees, but also via the noise and light emitted from music festivals. The Friends also argued that treating the park's environment contemptuously by staging Wireless and other large music festivals encouraged other park users to do likewise—exacerbating the problem of littering. Environmental impacts and the effects on park accessibility are linked in that damage caused to turf can restrict use of grassed areas for several months following a major festival (particularly when the ground is very wet or

unusually dry). The Friends have also expressed concern about the long-term ecological effects of staging festivals, and in recent years have campaigned for a fallow year which would give the park environment sufficient time to recover. This call was resisted by Haringey Council, but the coronavirus crisis did produce an unintentional festival free year in 2020 and those opposed to music festivals were keen to point out that this year off resulted in a significant improvement in the park's environmental condition. However, this was also a result of the additional money that had been spent on the park in 2019 because of the new stipulation that monies earned from festivals had to be spent in Finsbury Park itself.

### The Licence and the Licentious

Following the Judicial Review, the Friends of Finsbury Park have continued to oppose Wireless and their latest tactic has been to question the legitimacy of the licence awarded to the organisers. This challenge was based more on the nuisance effects of staging the festival rather than whether the council had the right to hire large sections of the park to a private company. The effects of Wireless on local neighbourhoods were prominent in a letter published in *The Guardian* newspaper following the paper's review of the 2017 edition:

So sorry to hear that Hannah J Davies found the Wireless festival “devoid of any atmosphere away from the acts” (The critics, 11 July). Perhaps she should have come to the residential streets south of Finsbury Park. We had plenty of atmosphere provided by the roaming groups of drunks, drug dealers, pavement scooter drivers, beer-can kickers, garden pissers and police helicopters. Three nights, all night. That's all the atmosphere anyone could want. (Jackson 2017)

When we interviewed the Chair of the Friends of Finsbury Park in 2018 he told us:

Our contention is that the terms of the licence are being breached. So last year, we hired a sound-monitoring team to monitor noise levels in the park and .... we looked at the anti-social behaviour .... and our conclusion is that the licence isn't actually being adhered to.

The Friends' cause was boosted by support from Jeremy Corbyn, the leader of the Labour party and patron of the Friends of Finsbury Park, who wrote to Haringey Council in August 2018 to express his concern about the negative effects of Wireless on local neighbourhoods. In October 2018, a Review of the Premises Licence took place, specifically looking at the impact of the 2017 event but the review instigated by the Friends aimed to alter the licensing conditions going forward. As the Licensing Sub-Committee puts it, it was primarily focused on looking at the licensing objectives of prevention of public nuisance and prevention of crime and disorder (Wireless Decision Notice, 2018: 2). The decision emanating from this process stated:

The Council is rightly proud to host the event for the benefit of its constituents and Londoners as whole. The fact that supporters of an annual music Festival such as Wireless have not engaged in the licensing regulation process by making representations in support of Live Nation is of little consequence.

Wireless Decision Notice (2018: 8)

The Licensing Sub-Committee noted that the Wireless event was valuable to the community and that the Licensing Act guidance (LA 2003, s182 paras 2.12 and 10.10) states that inappropriate or disproportionate measures that could deter such events should be avoided, and that any conditions imposed should also be cognisant of a possible deterrent effect. A series of conditions were imposed upon Live Nation/Wireless, including limits on sound levels and the provision of more security staff. More contentiously the Licensing Sub-Committee imposed a 21:00 h curfew on the Sunday, and the following condition was also added:

Condition 51 will be amended as follows ....: 'The Licensee shall reasonably request that performers do not sing or play any vulgar, obscene or banned songs or carry out indecent acts or make any vulgar gestures, actions or remarks during the performance, or at any point whilst using an amplification device, including the use of expletives. He shall also ensure that the attire of the performers do not offend the general public, e.g. attire which exposes the groin, private parts, buttock or female breast(s).

(Wireless Decision Notice 2018: 12)

Condition 51 requirements were subject to widespread criticism (Mokoena 2018; Hunter-Tilney 2019) because they would be difficult to enforce and because of their potentially censorial effects. Unless the swearing would impact on crime and disorder or public safety, licensing experts argued it could not and should not be folded into the licensing objectives (Snapes 2018). Whilst Live Nation announced its intention to appeal these restrictions, in January 2019 they struck a deal with Haringey Council and the appeal was withdrawn (Gelder 2019), sparking dismay amongst the Friends of Finsbury Park.

If we view these decisions through the lens of juridification, we essentially see an acceleration of regulatory forms and focus. Talbot (2011) writes of juridification as tending towards the overregulation of everyday life and its negative impact on 'cultural lifeworld'. The overregulation of events such as Wireless via increasingly stringent and iteratively harsher conditions are part of this tendency, and part of a truncation and trammelling of innovative uses of public space. In this sense, staging a contemporary music festival is not an intervention that disrupts that of a stiff, Victorian park, but one that actually reinforces and exacerbates the park's status as a bounded, regulated and controlled space.

### **Wireless as a Celebration of Local Youth and Black Cultures**

In defending the right to stage Wireless in Finsbury Park, Haringey Council, the Council's legal team and Festival Republic have looked beyond the hire fees earned (Smith 2019), and wider economic impacts (Fourth Street 2018), by pointing to the festival's social and cultural significance. Echoing the traditional designation of Finsbury Park as the people's park, commentators have noted how, by staging Wireless, the park is aligned to contemporary popular culture, and therefore 'the people':

It is interesting to see Philip Kolvin QC's representation to the licensing hearing. Wireless is the only festival in the world that fully represents the community within which it is based and that, as at

least in part, is a celebration of grime music and that ‘...therefore, the festival celebrates the music of the people. (Chapple 2018)

One might expect some hyperbole from an advocate, but Kolvin’s argument was reaffirmed and embellished in the Decision Notice that followed the licence review in 2018. This time the notion of ethnicity was also cited, highlighting the links between inner-city London, grime, and black British cultures and extolling Wireless as an event which not only represents ‘the people’, but the diverse place in which it is hosted.

Wireless is a live music event which is culturally significant to London and Haringey, which is an ethnically diverse Borough. The event at least in part has its roots in grime music which emerged in the inner-city estates of London. To that extent, it is a Festival which represents the city in which it is based. (Wireless Decision Notice 2018: 8)

This argument highlights the possibility that Wireless makes Finsbury Park a more just space by visibly connecting it to ethnic minority culture (s). As Loukaitou-Sideris and Mukhija (2019) highlight, addressing barriers to park use requires inclusive communication, outreach and engagement strategies which contribute to ‘interactional justice’ (Low 2013). There is symbolic alignment between Wireless and local youth/black cultures, but it seems far-fetched to claim that the festival brings the ‘music of the people’ to the people’s park. Haringey Council’s insistence that the festival is as a celebration of the inner-city seems like a convenient justification for a lucrative event, and their claim is undermined by how expensive Wireless tickets are, and by the profiles of the audience—most of whom come from outside London. Research by Fourth Street (2018) suggests 60% of attendees at grime and dance events in Finsbury Park were from outside London and 5% travelled from overseas. Only 6% lived in Haringey and only 8% of attendees at the major grime and dance events staged in Finsbury Park in 2018 identified themselves as Black British (78% were white). Wireless promotes and celebrates grime, but also commercially exploits this inner-city culture, rendering it inaccessible to many of its core constituencies. And whilst Wireless may help to make black

culture and black artists more visible, like other festivals it has faced criticism for the male-dominated line-up (Conrad 2018) and the homophobic atmosphere (Okundaye 2019). These characteristics suggest Haringey’s mission to provide ‘recreational entertainment and organised activities, accessible for all communities’ (Parks for London 2019) is not served by staging Wireless in Finsbury Park.

## 5 Conclusions

This chapter explored the significance of the dispute over staging music festivals in Finsbury Park to better understand environmental (in)justice in urban green spaces. Our work on music festivals hosted in London’s parks, in general, and Finsbury Park, in particular, shows that staging music events in municipal parks is nothing new. Indeed, the research has shown that some of these events, particularly those staged in the 1970s and 1980s, helped to reaffirm London parks’ status as inherently democratic places where people could assemble, demonstrate and celebrate. However, wider trends in the music sector, particularly the juridification of festivals and their associated commercialisation and corporatisation, means that contemporary festivals need to be regarded more sceptically. These events restrict public access not only during the time of the event, but also during their assembly and disassembly. This means they are heavily contested and are cited in contemporary debates about public space privatisation (Layard 2019; Hancox 2019b; Hunt 2018). The case of Finsbury Park illustrates that, since the end of the 1980s, more commercially oriented events have been staged in London’s public parks, and whilst these can still be regarded as appropriate uses, the rationale for hosting them is driven by financial motives, rather than political or cultural ones. This affects their impacts and has led to the sorts of disputes covered by this chapter.

The need to generate income to help offset the costs of maintaining public spaces has encouraged local authorities to hire parks out more



regularly, and for larger, more heavily secured events. As a result, festivals have become even more invasive incursions, a trend exacerbated by cuts to local government budgets in the period of government-led austerity 2010–2019 (Smith 2020). Finsbury Park provides a very good example of this trend and its effects. Since 2014, this park has been so intensively programmed that it now represents a new type of park, a hybrid public space which is both a municipal park and a music venue. Although there are opportunities to engage different audiences and represent different cultures, the defining characteristic of these hybrid spaces is their reduced accessibility. Fencing off parks and exploiting them to generate income is the epitome of what Smith (2020) describes as ‘neoliberalisation by festivalisation’. Festival fences exclude people physically, financially and symbolically, extending the commercial orientation of London into park settings and transforming the capital’s landscapes into landscapes of capital. Music festivals affect the way that parks are used, but also the ways they are managed. Finsbury Park is now entirely funded by festivals, and whilst this may seem like an expedient way of dealing with local authority budget cuts, there are implications for the park’s inclusivity. The financial sustainability of this approach also seems questionable. The coronavirus crisis in 2020–21 highlighted that relying on income from events to fund a park is a precarious management model.

The key question that needs to be addressed at the end of this chapter is: what do contested music festivals mean for environmental justice? Our work addresses three different aspects of justice. First, procedural justice: fairness in the ways processes are applied and decisions are made (Edge et al. 2020). There are issues with the processes through which Wireless and other festivals have been sanctioned, including the role of the Council as both licensor and beneficiary of lucrative festivals, but also the way that existing legislation designed to protect London’s parks from commercial exploitation has been overridden by more general legislation that allows councils to do what they want with parks they are responsible for. Second, the research presented

here deals with distributive justice, which strives for more equitable distribution of community benefits and burdens (McKee 1981). There has always been inequitable access to parks, but we argue that staging expensive music festivals in public parks exacerbates these inequities by affecting the amount of green space that is free to access at significant times of the year. Given the fact that Finsbury Park is appreciated as ‘a green place to spend time without pressure to spend money’ (Stansfield 2018: 425), regularly installing barriers and charging for entry represents a significant threat to this park’s original and ongoing mission as a people’s park. Third, the discussion here highlights the importance of interactional justice. According to Loukaitou-Sideris and Mukhija (2019), this involves reaching out to neglected publics through more inclusive representation and via community engagement strategies. This is how music festivals in Finsbury Park are justified by Haringey Council: as ways of encouraging ethnically diverse audiences and younger people to engage with Finsbury Park. However, staging expensive music festivals that block off public access to green space seems like a very inefficient way of achieving such goals, even if these festivals do showcase youth and black cultures. The progressive, free festivals that previously occupied Finsbury Park can be equated with interactional justice, but it is much harder to justify commercially driven festival programming in this way.

Our analysis of specific judicial rulings on the rights of the local authority to enclose public space inherently addresses both procedural and distributive justice. The outcomes of this case have significant implications for the ways UK parks are used and how money earned from them is spent. In neoliberal cities (for other examples of neoliberalisation processes in cities, see: Loewen et al. and Pungas et al. in this volume), the prevalence of large-scale music festivals has significant implications for the provision of just space. Even though exclusive uses of public spaces have always existed, and even though London parks have long hosted music events, fencing off municipal parks and charging people to access them is a regressive step that negatively

affects citizens who are unable or unwilling to pay. Whilst Wireless provides the most contentious example of a festival incursion, this event in and of itself is not necessarily a problem. The fundamental issue in Finsbury Park is that Wireless is also accompanied by four or five other music festivals every year, each of which takes time to assemble and disassemble and which often render park space unusable in the post-event period. It is the combined effect of all these events, and the symbolic effects of presenting the park as a commercial landscape, that undermine Finsbury Park's status as a public park. It is important to note that this issue is not confined to Finsbury Park or a small number of isolated cases. There are now at least a dozen parks and green spaces in London that hold multi-day music festivals (Smith and Vodicka 2020). Despite the coronavirus crisis, parks such as Brockwell Park and Crystal Palace Park staged more and bigger festivals in 2021 than were staged in the pre-COVID-19 era. So, whilst Finsbury Park is an important test case operating at the neoliberal avant-garde, the way music festivals affect access to urban green space is a London-wide issue (Smith 2019).

Our anxiety about inequitable access to public space in an era of neoliberal austerity does not render music festivals as problematic per se. Free festivals are very good ways of attracting more diverse audiences to green spaces, and ways of building affinity between minority groups and municipal parks. A great example was *rise*, an anti-racism festival that helped to build community cohesion and better race relations. In 2019, Finsbury Park hosted La Clave Fest, a free music festival celebrating Latin American culture, which proved that Haringey Council is still willing to programme events driven by cultural, rather than financial motives. Occasional festivals also add to the programme of activities happening in public parks: they help produce varied 'spaces of multiplicity' (Stansfield 2018) and can contribute to inclusion agendas, particularly when they help to promote the local music scene and black / youth culture(s). However, when public parks are heavily programmed with

commercial festivals they become more exclusive places. It is easy to dismiss those who oppose these festivals as conservative NIMBYs but, like other urban activists, they too are campaigning for their right to the city.

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