



# talkSPORT – proposals to reduce AM coverage

Proposed variation of national commercial  
radio licence

## Consultation

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# 1. Overview

## What we are proposing – in brief

talkSPORT is seeking Ofcom’s permission to switch off seven transmitter sites which would reduce the coverage of its AM national commercial radio licence from 92.0% of the UK adult population to 88.9%. This proposed switch off would reduce the talkSPORT’s total network of AM transmitter sites from eighteen (18) to eleven (11). We are minded to approve this request, but before reaching a final decision we are giving stakeholders an opportunity to make comments on the request and our provisional decision. This is because, if the changes are permitted, some listeners will lose their ability to receive talkSPORT on the AM (medium wave) band, and because other commercial radio stations might be interested in the approach that we are minded to take in this case. We will carefully consider any comments from stakeholders before making a final decision.

## Introduction

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- 1.1 talkSPORT Limited (“talkSPORT” or “the Licensee”) holds a national commercial radio licence to broadcast its sport-oriented speech radio service across the UK on the AM (medium wave) band. Under its licence, talkSPORT must secure that its service serves so much of the UK “as is for the time being reasonably practicable”.
- 1.2 talkSPORT has requested to close seven of its transmitter sites with immediate effect. The closure of seven transmitter sites would reduce the coverage of its AM national commercial radio licence from being receivable by 92.0% of the UK adult population (aged 15+) to 88.9%.<sup>1</sup> Ofcom notes that this is the third time the Licensee has requested to reduce its national AM coverage under AN000003 since 2019, which, if approved would result in a coverage reduction from 95.4% to 88.9% since the 2019 request.<sup>2</sup>
- 1.3 talkSPORT has made this request in the context of declining listening to its service on AM as well as increased listening on alternative platforms. talkSPORT has stated environmental impacts of maintaining its AM transmitter network and commercial discipline as its rationale for requesting these changes, stating that it must continually ensure its AM transmission network offers the right balance of net consumer benefit and efficiency. talkSPORT has stated that it has refreshed its assessment of ongoing viability with respect to each of the transmission sites in its AM network (assessing the audience delivered against the costs of powering each transmitter, especially in areas where it

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<sup>1</sup> This figure has been calculated using the 2011 census data

<sup>2</sup> Ofcom acknowledges a discrepancy between the coverage projections used for the 2019, 2022 and 2024 requests respectively. In considering the 2024 request from talkSPORT we have used Wireless Telegraphy Act 2011 census data exclusively. Coverage projections prepared with reference to both the 2019 and 2022 requests were prepared using Radio Authority coverage maps which assumed a lower transmitter power pertaining to the Brookman’s Park transmitter. We have therefore decided to base the new calculations on the latest transmitter characteristics at all sites that we have checked to reflect the latest best information which has resulted in Ofcom recalculating the coverages.

considers DAB coverage is excellent). As part of this analysis, it has also taken into account the overlap of the transmitter sites they are proposing to switch off with talkSPORT's existing DAB multiplex coverage to test whether it remains viable to continue to provide overlapping AM coverage from their high powered sites and lower power filler sites. In their proposal, talkSPORT state that in many areas for which they are seeking consent to switch off transmission sites, coverage from their remaining high-powered sites would mitigate any coverage loss. Additionally, it explains that DAB coverage would be available in most of these areas.

- 1.4 It also pointed out a key recommendation made in the Department for Digital, Culture, Media and Sport's ("DCMS") Digital Radio and Audio Review ("the review") in 2021 which stated that: "Industry should begin planning for the long-term retirement of analogue services... [national MW service operators] should develop a plan for the migration from AM services to take place at some point in the mid-2020s."

## Ofcom's provisional assessment

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- 1.5 Condition 2(1) of the Broadcasting Licence requires talkSPORT to secure that its analogue radio service serves so much of the UK "as is for the time being reasonably practicable".<sup>3</sup>
- 1.6 Having considered talkSPORT's proposals, our provisional view is that it is no longer reasonably practicable for the Licensee to continue to serve 92.0% of the UK adult population.
- 1.7 Therefore, we are minded to accept talkSPORT's proposals and we consider that our provisional decision would comply with our statutory duties. In summary, this is because: a) in these specific circumstances, we consider that broadcasting the licensed service to 88.9% (from 92.0%) of the adult population of the UK would still ensure optimal use of spectrum; b) the continued availability of talkSPORT on AM through their remaining high-powered sites in many of the affected areas impacted by this proposal, alongside the availability of the service on alternative platforms is likely to maintain a plurality of radio providers and radio services in the geographical areas affected by the proposals; and c) DCMS' review has indicated that national AM licensees should seek to develop a plan for the migration of their services by the mid-2020's. The future of AM national coverage has been identified as a declining market as demonstrated by the RAJAR figures provided by talkSPORT in its proposal. When this point is considered alongside the costs and environmental impact of maintaining AM transmitter sites, our provisional assessment is that it is no longer reasonably practicable for the Licensee to maintain the seven sites it seeks to remove from the licence.
- 1.8 If we decide to accept talkSPORT's proposals, we would vary its Broadcasting Act 1990 Licence and its associated Wireless Telegraphy Act licence by removing reference to the transmitter sites that talkSPORT is proposing to close.

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<sup>3</sup> This licence condition reads as follows: "The Licensee shall provide the Licensed Service specified in the Annex for the licence period and shall secure that the Licensed Service serves so much of the licensed area as is for the time being reasonably practicable."

## Next steps

- 1.9 We are currently aiming to make a final decision and publish a statement in February 2025. We will carefully consider any comments that stakeholders might wish to make before making any final decision. We are giving stakeholders until 7 January 2025 to provide comments.

## 2. Background

- 2.1 talkSPORT Limited holds one of the two national analogue commercial radio licences<sup>4</sup> in the UK issued under the Broadcasting Act 1990 (the “Broadcasting Licence”). Under the terms of its Broadcasting Licence, it must provide a radio service which is “A 24-hour speech service featuring primarily sports-related programming. Regular news bulletins will be included”.
- 2.2 The Broadcasting Licence was initially awarded by an auction process in July 1994, and has subsequently been renewed on three occasions. The latest renewal process was completed in December 2021, when we decided to renew the Broadcasting Licence for a further ten-year period, until 31 December 2031.<sup>5</sup>
- 2.3 Since its launch in 1994, talkSPORT incrementally increased the coverage of its national AM radio service, ultimately providing the service to approximately 95% of the UK adult population through voluntarily adding further transmitter sites. In 2019, Ofcom approved a request from talkSPORT to reduce its coverage to 93%,<sup>6</sup> and subsequently in 2023 approved a further request to reduce its coverage to 89.9%.<sup>7</sup> Due to Ofcom’s recalculation of talkSPORT’s coverage (as set out in paragraph 1.2 and the associated footnote), the figures quoted in previous consultation and reflected above have been recalculated. The current proposal is seeking consent to reduce coverage from 92% (current) UK coverage to 88.9% (proposed).
- 2.4 On 18 September 2024, Ofcom received a formal submission from talkSPORT proposing to switch off seven AM transmitter sites, reducing talkSPORT’s national medium wave transmitter network to five core high power sites, five low power sites and their transmitter inside the Dartford Tunnel in Kent.<sup>8</sup> talkSPORT said, having corroborated its analysis with Ofcom, that its proposals would reduce coverage to 88.9%. The transmitter sites talkSPORT is requesting to close are; Clipstone (Nottinghamshire), Duxhurst (Surrey), Lisnagarvey (County Antrim, Northern Ireland), Lydd (Kent), Stockton (Durham/North Yorkshire), Southwick/Brighton (West Sussex) and Rusthall (Tunbridge Wells).
- 2.5 In addition to its national AM licence, talkSPORT also broadcasts nationally via DAB on the Digital One multiplex. The service is also available via television on the Freeview, Sky and Virgin Media platforms, in addition to the internet.
- 2.6 A copy of the Broadcasting Licence is published as a separate document (Annex 6).
- 2.7 A non-confidential version of talkSPORT’s final submission, setting out its proposals and the reasons for them, is published as a separate document (Annex 5).

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<sup>4</sup> The other national licence is held by Classic FM Limited.

<sup>5</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/analogue-radio/renewal-independent-national-radio-licences>

<sup>6</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/analogue-radio/talksport-proposals-to-reduce-am-coverage>

<sup>7</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/analogue-radio/consultation-talksport-proposals-to-reduce-am-coverage/>

<sup>8</sup> This transmitter is a feeder to provide reception to vehicles passing through the tunnel and does not provide additional population coverage.

# 3. Legal framework

## Structure of this section

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- 3.1 In this section, we set out the legal framework for assessing talkSPORT’s proposals as follows: a) we set out our statutory duties that are of particular importance to assessing whether we should allow talkSPORT to implement the proposed changes; b) we summarise the relevant licence conditions; c) we explain how we are minded to apply our statutory duties to assessing talkSPORT’s proposals; and d) finally, we explain how we would implement the changes proposed by talkSPORT and our approach to impact assessment.
- 3.2 For brevity, we refer to: the Communications Act as the “**2003 Act**”; the Broadcasting Act 1990 as the “**1990 Act**”; and the Wireless Telegraphy Act 2006 as the “**WT Act**”.

## Ofcom’s statutory duties

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- 3.3 The statutory duties that appear particularly important to assessing talkSPORT’s proposals derive from the 2003 Act and the 1990 Act

### Our duties under the Communications Act 2003

- 3.4 Ofcom's principal statutory duty as set out in section 3 of the 2003 Act is to further the interests of citizens in relation to communications matters; and to further the interests of consumers in relevant markets, where appropriate by promoting competition. Ofcom is also required to secure (amongst other things): a) the optimal use for wireless telegraphy of the electromagnetic spectrum;<sup>9</sup> b) the availability throughout the UK of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests;<sup>10</sup> and c) the maintenance of a sufficient plurality of providers of different television and radio services.<sup>11</sup>
- 3.5 In performing our duties, we must have regard to those factors that appear to us to be relevant in the circumstances. In this case, we consider that “the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas” is of particular importance (section 3(4)(l) of the 2003 Act).
- 3.6 In performing our duties, we are also required under section 3(3) of the 2003 Act to have regard in all cases to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

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<sup>9</sup> Section 3(2)(a) of the 2003 Act.

<sup>10</sup> Section 3(2)(c) of the 2003 Act.

<sup>11</sup> Section 3(2)(d) of the 2003 Act.

## Our duties under the Broadcasting Act 1990

- 3.7 The Media Act 2024<sup>12</sup> amended or removed various obligations on Ofcom in the Broadcasting Act 1990. It has removed the requirement in section 85 of the 1990 Act for Ofcom to secure the provision of a diversity of national analogue services, of which one must consist mainly of speech, and another must consist wholly or mainly of non-pop music. It has also removed the obligation on Ofcom to revoke the licence of a national service for ceasing its analogue transmission. This change was intended to enable Classic FM and talkSPORT (the two remaining national commercial stations providing an analogue as well as a digital service) to surrender their licences and stop broadcasting over FM and AM respectively once their analogue listenership levels mean that it is no longer commercially justifiable to do so.

## talkSPORT's broadcasting licence

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### The reasonably practicable threshold for ensuring coverage

- 3.8 Condition 2(1) of the Broadcasting Licence requires talkSPORT to secure that its analogue radio service serves so much of the UK “as is for the time being reasonably practicable”.<sup>13</sup> This licence condition mirrors section 106(2) of the 1990 Act, which provides that:

“A national or local licence shall include conditions requiring the licence holder to secure that the licensed service serves so much of the area or locality for which it is licensed to be provided as is for the time being reasonably practicable”

- 3.9 The Broadcasting Licence currently requires talkSPORT to reach such coverage by broadcasting the licensed service from 18 transmitter sites. The location and technical characteristics of these transmitters are specified in the Broadcasting Licence (Parts II and III of the Annex).

### Failure to comply with the coverage requirement

- 3.10 Failure to secure that the licensed radio service serves so much of the UK “as is for the time being reasonably practicable” may constitute a breach of Condition 2(1) of the Broadcasting Licence.<sup>14</sup>
- 3.11 The range of penalties that can be imposed on licensees for breach of a licence condition includes financial penalties, shortening the licence, suspending the licence or revocation. These penalties are set out in the statutory regime, together with procedural requirements,<sup>15</sup> and mirrored in the Conditions set out in Part IV (‘Conditions relating to enforcement of licences’) of the Broadcasting Licence.

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<sup>12</sup> Section 41 of the Media Act 2024

<sup>13</sup> This licence condition reads as follows: “The Licensee shall provide the Licensed Service specified in the Annex for the licence period and shall secure that the Licensed Service serves so much of the licensed area as is for the time being reasonably practicable.”

<sup>14</sup> We would investigate any such breach according to our Enforcement Guidelines. See Ofcom’s “General procedures for investigating breaches of broadcast licences”, 3 April 2017; [https://www.ofcom.org.uk/data/assets/pdf\\_file/0019/31942/general-procedures.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0019/31942/general-procedures.pdf).

<sup>15</sup> Sections 109-111 of the 1990 Act.



## Licence variations

- 3.12 Ofcom has a general power to make changes to broadcasting licences by means of serving a notice of variation on the Licensee.<sup>16</sup> This power is reflected in Condition 23 of the Broadcasting Licence. We must give the licensee a reasonable opportunity to make representations before making the variation (Condition 23(1)(b) of the Broadcasting Licence).<sup>17</sup>

## talkSPORT's wireless telegraphy licence

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- 3.13 talkSPORT also holds a licence issued under the Wireless Telegraphy Act 2006 (the "WT Licence") which authorises it to establish, install and use radio transmitting stations and/or radio apparatus (i.e. transmitters) in the same locations authorised under its Broadcasting Licence (i.e. 18 sites in total) for the transmission of the sound broadcasting service described in the Broadcasting Licence.
- 3.14 Condition 3 of the WT Licence allows Ofcom to vary this licence in specific circumstances, which include where the variation is "at the request of, or with the consent of, the Licensee",<sup>18</sup> and requires us to notify the Licensee in writing or by a general notice in accordance with Schedule 1 paragraph 6 of the WT Act. Ofcom has a broad discretion under paragraph 6 of Schedule 1 of the WT Act to agree to vary licences, but legal rules operate to limit that discretion. In particular, according to paragraph 6A of Schedule 1 of the WT Act, any variation of a wireless telegraphy licence must be objectively justifiable.

## Application of our relevant duties to assessing talkSPORT's proposals

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### Ofcom's task

- 3.15 Given the requirement set out in Condition 2(1) of the Broadcasting Licence (see paragraph 3.8 above), the main questions that we need to address are: a) whether it remains reasonably practicable for talkSPORT to serve 92.0% of the UK adult population with its analogue radio service; and, b) if that level of coverage is no longer reasonably practicable, whether the combined effect of the measures that talkSPORT has proposed to take (i.e. a reduced coverage of 88.9% of the UK adult population), would meet the "reasonably practicable" threshold set out in the licence conditions.
- 3.16 The "reasonably practicable" threshold entails a balancing exercise to ensure proportionality. To simplify, we put on one side any disadvantages involved in providing the service at the current level of coverage and, on the other side, the nature and extent

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<sup>16</sup> Section 86(5) of the 1990 Act. The 1990 Act provides that if Ofcom thinks that it would be reasonably practicable for a national service to be provided to an additional area falling outside the minimum area set in the award process, Ofcom can require the licensee to provide the service for that additional area (section 106(3)). However, the 1990 Act does not contain any specify provision for requests to reduce the minimum area.

<sup>17</sup> This licence condition mirrors section 86(5)(b) of the 1990 Act. Condition 24 of the Broadcasting Licence specifies in which way we may give any notice of variation, including in electronic form (subject to the requirements set out in Sections 395 and 396 of the 2003 Act).

<sup>18</sup> This licence condition mirrors Schedule 1, paragraph 8(2)(a) of the WT Act 2006.

of the risks involved if the current coverage of the service was reduced. In considering the various factors involved in this balancing exercise, we need to take account of our statutory duties.

## **Ofcom's provisional decision in light of our statutory duties**

- 3.17 We consider that it is no longer reasonably practicable for talkSPORT to serve 92.0% of the UK adult population with its analogue radio service and are therefore minded to accept talkSPORT's proposals to close seven transmitter sites. We provisionally consider that such a decision would comply with our statutory duties (paragraphs 3.4-3.7) for the reasons set out in Section 4 of this document, which in summary is because:
- a) We consider that it is no longer reasonably practicable for the Licensee to continue to broadcast the service from 18 sites. The Licensee has demonstrated that it can continue to serve 88.9% of the UK adult population through the provision of the remaining 11 transmitter sites.
  - b) In these specific circumstances, we consider that broadcasting the licensed service to 88.9% of the UK adult population would still ensure optimal use of spectrum;
  - c) The availability of talkSPORT on alternative platforms (primarily digital radio, but also including television services and internet) is likely to be sufficient to maintain a plurality of radio providers and radio services in the geographical areas affected by the proposals;
  - d) Many areas impacted by the switch off of these transmitters would continue to receive the service on AM through the remaining sites, while the service can also be accessed on alternative listening platforms;
  - e) AM national coverage has been identified as a declining market and DCMS has recommend that industry should begin planning the long-term retirement of analogue services. talkSPORT has demonstrated the decline in listening to the service on the AM platform, in particular evidenced by the RAJAR figures provided in its proposal. When this point is considered alongside the costs and environmental impact associated with maintaining AM transmitter sites, our provisional assessment is that it is no longer reasonably practicable for the Licensee to maintain the four sites it seeks to remove from the licence.
- 3.18 Removing reference to the transmitter sites that talkSPORT has proposed to close from its WT Licence (with effect from the date when talkSPORT intends to close them) would be objectively justifiable as it would align this licence with the Broadcasting Licence.

## **Implementation**

- 3.19 If we decide that it is appropriate for talkSPORT to take the proposed measures, closing seven transmitter sites, we need to vary its Broadcasting Licence and WT Act Licence by removing reference to the transmitter sites that talkSPORT has proposed to close, with effect from the date when talkSPORT intends to close them. To do so, we need to notify talkSPORT and give it a reasonable opportunity to make representations (see paragraph 3.12 above).
- 3.20 Although there is no statutory requirement to consult more widely, we are allowing stakeholders an opportunity to provide comments in this specific case, since we note that:

a) According to Ofcom’s estimates, around 3.1% of the adult UK population (1.6 million adults) would no longer be able to receive talkSPORT on AM; and b) holders of other analogue commercial radio licences, and particularly those holding AM licences, might be interested in the approach that we are minded to take in this case.

- 3.21 We are giving stakeholders until 7 January 2025 to provide any comments they might wish to make. In our view, given the narrow scope of this consultation, this period gives interested parties an appropriate period in which to consider and respond to this consultation.
- 3.22 We will carefully consider any comments from stakeholders before making any final decision.

## Impact assessment and equality impact assessment

- 3.23 This document, taken as a whole, comprises an impact assessment as defined in Section 7 of the 2003 Act.
- 3.24 Section 149 of the Equality Act 2010 (the “2010 Act”) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- 3.25 Section 75 of the Northern Ireland Act 1998 (the “1998 Act”) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom’s Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.
- 3.26 To help us comply with our duties under the 2010 Act and the 1998 Act, we have given careful consideration to whether our proposal will have a particular impact on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- 3.27 When thinking about equality we think more broadly than persons that share protected characteristics identified in equalities legislation and think about potential impacts on various groups of persons (see paragraph 4.7 of our [impact assessment guidance](#))]
- 3.28 In particular, section 3(4) of the Communications Act also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:
- a) the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;
  - b) the needs of persons with disabilities, older persons and persons on low incomes; and
  - c) the different interests of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.

- 3.29 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers, regardless of their background and identity.
- 3.30 We consider that accepting this request may have an adverse impact on men over the age of 35 that are likely to be affected in a different way to the general population. Ofcom analysis, based on RAJAR data suggests that talkSPORT's audience primarily consists of men over the age of 35, some of whom will be located in Northern Ireland.
- 3.31 If this request is approved, it would mean that those within these groups covered by the seven transmitter sites would no longer be able to receive talkSPORT on AM radio. However, we consider that this impact is likely to be mitigated by the availability of alternative platforms to listen to talkSPORT including television (Freeview, Sky and Virgin), DAB, and the internet.
- 3.32 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language. We do not consider that talkSPORT's proposal to immediately close seven transmitter sites will have any impact on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English Language for the following reasons. First, this consultation relates to talkSPORT's AM radio coverage area and does not relate to content provided by talkSPORT. Second, talkSPORT does not provide any Welsh language programming. Third, none of the transmitters that are proposed to be closed are in or cover Wales.
- 3.33 Ofcom welcomes stakeholder views on the impact assessments set out in this document.

# 4. Our provisional assessment

## Summary of talkSPORT's request and rationale

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- 4.1 talkSPORT has proposed to close seven transmitter sites: Clipstone (Nottinghamshire), Duxhurst (Surrey), Lisnagarvey (County Antrim, Northern Ireland), Lydd (Kent), Stockton (Durham/North Yorkshire), Southwick/Brighton (West Sussex) and Rusthall (Tunbridge Wells).
- 4.2 talkSPORT assert that they are committed to alerting listeners affected by the closure of the sites identified with targeted and timely communications aimed at migrating audiences to DAB, DTV and online platforms. talkSPORT has devised a solution which will allow them to proactively target their AM listeners by promoting the benefits of switching to their DAB platform.
- 4.3 The 11 sites which remain, if talkSPORT's proposal to close seven sites is approved, consist of the following sites: Brookman's Park (Hertfordshire), Droitwich (North Worcestershire), Moorside Edge (West Yorkshire), Westerglen (Falkirk), Washford (Somerset), Fareham (Hampshire), Dartford Tunnel (Kent), Wallasey (Cheshire), Boston (Suffolk), Wrekenton (Newcastle) and Postwick (Norfolk).
- 4.4 talkSPORT has calculated that its request entailing the closure of seven transmission sites would lead to the UK coverage focused on the adult (aged 15+) population of its licensed service being reduced from 92.0% to 88.9% (see Annex 5 for talkSPORT's submission). This is consistent with Ofcom's calculations based on the closure of the seven earmarked sites.
- 4.5 Ofcom anticipates these changes would lead to the adult (aged 15+) UK population coverage of its licensed service being reduced from 92.0% to 88.9% and that approximately 1.6 million adults in the UK would lose access to the AM service. When comparing these figures to the coverage of the talkSPORT service on DAB, Ofcom calculations indicate that 50,434 potential listeners would no longer be able to access the service on either AM or on DAB (which equates to 0.1% of total adults aged 15+ in the UK).
- 4.6 talkSPORT maintains that switching off the seven requested transmitters will result in a relatively small reduction in the proportion of listeners who will no longer be able to receive the service on its AM reach, and coverage in most of the areas will continue to be provided via DAB and across other available platforms. In its proposal, talkSPORT has also referred to its experience with switching off 11 low-powered transmitter sites since 2019, noting that its total weekly listening hours on AM dropped by 0.025m when adjusting for growth over five years.
- 4.7 Ahead of requesting this change, talkSPORT analysed the cost of powering each relevant transmitter alongside the declining audience which listens to the service on the AM platform. talkSPORT has also noted the environmental impact of maintaining its AM transmitter network, which Ofcom acknowledges requires high electricity usage. talkSPORT notes that, further to the proposals made in 2019 and 2022, there has been a continued decline in analogue listening at the sites talkSPORT wants to close. Based on RAJAR data, listening figures are no longer at appreciable levels due to the evolution of audience behaviour/the migration of listening to radio services both DAB and other

alternative platforms. The analysis of Q2 2024 RAJAR data confirms the ongoing long-term decline in AM listening and that sites identified for closure continue to experience a decline in listening data.

- 4.8 talkSPORT has stated that in the areas not currently covered by high power AM transmitters, AM listening is just 77,000 hours, which it notes is less than 0.5% of talkSPORT's total listening across all listening platforms.<sup>19</sup>
- 4.9 talkSPORT notes DCMS' recommendation that 'industry should begin planning the long-term retirement of analogue services and develop a plan for the migration from AM services to take place at some point in the mid-2020s'.<sup>20</sup>
- 4.10 In addition, talkSPORT has supplied listening data on page 5 of its proposal (which can be seen in Annex 5) with regard to the transmitters it is proposing to close. This demonstrates that each of the respective transmitters they are proposing to close have experienced between -10% CAGR in the case of Southwick/Brighton and Clipstone and -26% CAGR in the case of Stockton between Q2 2019 and Q2 2024 when analysing 12 month listening data.<sup>21</sup>

## Ofcom's Preliminary View on the request

### Compliance with licence conditions

- 4.11 As already noted in Section 3 (paragraph 3.8), Condition 2(1) of the Broadcasting Licence requires that the licensed service serves so much of the UK "as is for the time being reasonably practicable."
- 4.12 In our view, beyond considerations of what is technically and logistically possible in terms of transmission provision (for example, the availability of suitable transmission sites), the "reasonably practicable" threshold is a balancing exercise to ensure proportionality with disadvantages to the licensee on one hand, and the benefits to potential listeners on the other.
- 4.13 According to Ofcom's estimates, around 3.1% of the adult UK population (1.6 million adults aged 15+) would no longer be able to receive talkSPORT on AM. Due to co-channel interference between the Lisnagarvey (proposed switch-off) and Westerglen and Moorside Edge (remaining sites) transmitters, the proposal to remove the Lisnagarvey transmitter would result in improved coverage at these two remaining locations. This has been taken into account when calculating the overall reduction in coverage.
- 4.14 We also note the long-term decline in the popularity of listening to the AM band, and that the significant majority of those who would lose the ability to access the talkSPORT AM signal would be able to continue to receive talkSPORT via national DAB digital radio. In the relatively few areas where reception of the national Digital One multiplex is unavailable and where DAB coverage is particularly low, there are further options to listen online, or via television (the station is available on the Freeview, Sky and Virgin Media platforms).
- 4.15 In reaching our Preliminary View, Ofcom has had regard to the benefit of the proposal which would be delivered to consumers through the continuation of AM transmission

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<sup>19</sup> talkSPORT has stated this analysis is based on Octagon/RAJAR 12-month weighted data

<sup>20</sup> <https://www.gov.uk/government/publications/digital-radio-and-audio-review>

<sup>21</sup> CAGR is Compound Annual Growth Rate used by talkSPORT to demonstrate the decline in AM listening from specific transmitters in their network from 2019 to 2024. See page five of their proposal in Annex 5.

from the identified sites, albeit with a smaller coverage area in some locations. This position has been balanced with the associated costs to the Licensee and the ongoing environmental impact by continuing to broadcast via AM transmitters. We consider that the continued provision of the service to 88.9% of the UK population of adults aged 15+, coupled with the continued decline in listening hours on the AM platform, supports the proposal to switch off the seven low powered transmitters. As part of this consideration, Ofcom has also noted the UK Government's recommendation that national AM broadcasters should begin planning for the long-term retirement of analogue services and seek to migrate its listeners to the DAB platform by the mid-2020's.

- 4.16 Further, Ofcom notes that talkSPORT have committed to alerting affected listeners, and that, "[talkSPORT has] devised an innovative technical solution that will enable us to deliver AM platform specific messaging." And that it intends "to activate this solution imminently in order to promote the benefits of conversion to digital listening platforms, and in order to prepare audiences in the event of a positive decision by Ofcom.". Ofcom considers that this approach will help mitigate the disenfranchisement of these listeners appropriately by providing them with sufficient time to consider and migrate to the most appropriate platform for them to continue to listen to the talkSPORT service.

### Impact on listeners

- 4.17 Based on the information provided to Ofcom by talkSPORT, corroborated by Ofcom's independent analysis, the proposed changes would have the following effects:
- a) the proposed changes would result in about 1.6 million<sup>22</sup> of UK adults aged 15+ losing their ability to receive talkSPORT's AM signal;
  - b) of these, about 1.55 million<sup>23</sup> would still be able to listen to talkSPORT on DAB digital radio;
  - c) therefore, around 50,434<sup>24</sup> UK adults aged 15+ would lose AM coverage and would also not have the option of listening to talkSPORT on DAB digital radio. In the context of the total talkSPORT coverage across the UK we consider this figure to be relatively low (approximately 0.1% of the total UK coverage), while any disenfranchised listeners are likely to be able to listen to talkSPORT via the internet and other digital platforms.
  - d) When focusing on the numbers of potentially disenfranchised listeners impacted by this proposal on the AM platform, a significant proportion of the 3.1% reduction identified above would be in both Northern Ireland and in Durham, given that there would be no other AM transmitters to mitigate the removal of the Lisnagarvey and Stockton transmitters. Regarding the Lisnagarvey transmitter, we are mindful that talkSPORT does not currently provide content specific to listeners in Northern Ireland via opt-outs. Additionally, evidence provided by talkSPORT specific to AM listening in the Lisnagarvey transmission area (see page 5 of the proposal in Annex 5) demonstrates listening to the service on AM has fallen at a CAGR of -14% over the past five years, compared to an overall decline of -6% at the network level. Further, we note from talkSPORT's listening data (see page 7 of the proposal in Annex 5) that just 24,000 listeners

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<sup>22</sup> This figure has been calculated using 2011 census data

<sup>23</sup> This figure has been calculated using 2011 census data

<sup>24</sup> This figure has been calculated using 2011 census data

accessed the station on AM in Q2 2024 as DAB and other digital platforms have become more established. In the case of Stockton, AM listening has fallen at a CAGR of -26% while just 13,000 listeners accessed the service via AM in Q2 2024. We also consider that the confirmation by talkSPORT in its proposal to utilise the technical solution as set out in paragraph 4.16 would both inform listeners and mitigate the impact of switching off the AM transmitters in these areas due to the provision of the service on DAB. In the small areas previously covered by either the Lisnagarvey or Stockton AM transmitters which may not have access to the service on DAB, we consider that this is mitigated by the availability of the service on DTT and online.

### Assessment against Ofcom's statutory duties

- 4.18 As noted in Section 3, in considering whether talkSPORT would remain compliant with its licence conditions, we also need to take account of Ofcom's wider statutory duties.
- 4.19 Ofcom's principal statutory duty as set out in section 3 of the 2003 Act is to further the interests of citizens in relation to communications matters; and to further the interests of consumers in relevant markets, where appropriate by promoting competition. Ofcom is also required to secure (amongst other things):
- a) the optimal use for wireless telegraphy of the electromagnetic spectrum;
  - b) the availability throughout the UK of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests; and
  - c) the maintenance of a sufficient plurality of providers of different television and radio services.
- 4.20 In considering the need to secure optimal use of spectrum, while we recognise that the implementation of talkSPORT's proposals would mean around 3.1% of the adult UK population would no longer be able to receive talkSPORT on its AM network, talkSPORT would continue to use the relevant spectrum to broadcast to a high proportion (88.9%) of the UK adult population. Therefore, we consider that, in these circumstances, talkSPORT's proposal to continue to broadcast its licensed service to 88.9% of the UK adult population would secure optimal use of spectrum.
- 4.21 Regarding the need to ensure plurality of services and providers, we note that Ofcom licenses a wide variety of television and radio services across the UK, on a range of different platforms, with a variety of different programme formats. As previously noted, the vast majority of talkSPORT's listeners affected by its proposals would be able to re-tune to the service on national DAB radio. We also note that the availability of talkSPORT on alternative broadcast platforms (i.e. on Freeview, Sky and Virgin Media platforms) and internet would further contribute to mitigating any potential adverse impact on consumers.

### Licence variations

- 4.22 Therefore, subject to consideration of stakeholders' responses, we are minded to accept talkSPORT's proposals and remove reference to the seven transmitter sites that talkSPORT has proposed to close from its Broadcasting Licence and WT Act Licence, with effect from the date when talkSPORT intends to close them.



# A1. Responding to this consultation

## How to respond

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- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 7 January 2025.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/tv-radio-and-on-demand/analogue-radio/consultation-talksport-proposals-to-reduce-am-coverage>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [talksport@ofcom.org.uk](mailto:talksport@ofcom.org.uk), as an attachment in Microsoft Word format, together with the cover sheet. This email address is for this consultation only and will not be valid after 7 January 2025.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- talkSPORT Consultation (Ofcom Broadcast Licensing Team)  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- > send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
  - > upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.10 If you want to discuss the issues and questions raised in this consultation, please email [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).

## Confidentiality

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- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A1.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

## Next steps

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- A1.16 Following this consultation period, Ofcom plans to publish a statement in February 2025.
- A1.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

## Ofcom's consultation processes

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- A1.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.19 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom

Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

# A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

## Before the consultation

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- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

## During the consultation

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- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A2.4 When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these principles, we will explain why.

## After the consultation

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- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

# A3. Consultation coversheet

## Basic details

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Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

## Confidentiality

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Please tick below what part of your response you consider is confidential, giving your reasons why

- > Nothing
- > Name/contact details/job title
- > Whole response
- > Organisation
- > Part of the response

If you selected 'Part of the response', please specify which parts:

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes       No

## Declaration

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I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

# A4. Consultation questions

Please tell us how you came across about this consultation.

- Email from Ofcom
- Saw it on social media
- Found it on Ofcom's website
- Found it on another website
- Heard about it on TV or radio
- Read about it in a newspaper or magazine
- Heard about it at an event
- Somebody told me or shared it with me
- Other (please specify)

## Consultation questions on talkSPORT's request

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Question 1: Do you agree that Ofcom should give its consent to the closure of the seven transmitter sites proposed by talkSPORT with the resulting reductions in AM (medium wave) transmitter coverage? Please provide reasons for your response, with any supporting evidence.

Question 2: Do you agree with Ofcom's assessment of the potential impact on specific groups of persons set out in the impact assessment?

# A5. talkSPORT's proposal

talkSPORT's proposed changes to the number of its AM transmitter sites ([this annex is published as a separate document](#))

## **A6. talkSPORT's licence**

talkSPORT's Broadcasting Act Licence ([this annex is published as a separate document](#))