

A SUBMISSION IN RESPONSE TO AN OFCOM CONSULTATION:

"DAB in North Devon - Request to extend coverage area of the Exeter & Torbay local radio multiplex."

1. Introduction

1.1 This paper provides analysis, supporting information and other material in relation to a response to the OFCOM consultation document " DAB IN NORTH DEVON - Request to extend coverage area of Exeter & Torbay local radio multiplex."

1.2 Views expressed are those of Ian Starling, Paul Crockett and Pete Fieldsend, who during 2010 became core founding members of 'The Voice North Devon,' a group intending to apply for the FM licence for the North Devon area, due to be re-advertised in Spring 2011. This licence was originally issued to Lantern Radio, though subsequent ownership changes have seen broadcasting under the names Lantern FM and, more recently, Heart Devon.

1.3 We have chosen to respond to the consultation document for three reasons:

(i) We believe there are significant reasons why a DAB licence should not be granted on the basis of the application as presented;

(ii) We are aware that, were this DAB licence extension to be granted, section 104A of the Broadcasting act 1990 allows for uncontested renewal of a local FM licence where an incumbent licensee commits to provide a local digital sound broadcasting service on a relevant local multiplex. If the current proposal is granted we believe this would be the case for the station currently broadcasting on FM in the area as the (largely networked) service "Heart Devon." We would wish to have the opportunity to contest this licence, having a long held belief that north Devon deserves and should have its own local commercial radio service, of which it has been effectively deprived through both regulatory and ownership changes in recent years. A particular worry is that these changes have led to significant policy shifts in successive companies' ownership/management definitions of "local radio."

(iii) There is no alternative, locally based second commercial radio service in the region - unlike many major conurbations. A current OFCOM policy not to allocate further FM frequencies for this purpose, and the prospect of analogue switch-off at some (as yet) indeterminate date, increasingly suggests that such a licence may never be issued.

1.4 We are concerned that the overall timescale of this consultation is very restricted. This has meant we have been unable to consider specific field based authoritative research and detailed data acquisition to better substantiate some points made in this document. However, wherever possible references to already published, publicly available data are included, to help secure the validity of key points made.

2. Outline of North Devon area, and an historical perspective.

2.1 North Devon is a unique and magical area, its mixture of coast and countryside endlessly admired by residents and tourists alike. Its biggest towns are Ilfracombe, Barnstaple, Bideford, Great Torrington and South Molton, but these are hardly sizeable towns by the standards of less rural parts of England.

2.2 Until the coming of the A361 North Devon Link Road in the 1980's, north Devon was a notably remote area. Even today the nearest motorway is over 35 miles distant from the region's largest town, Barnstaple; Ilfracombe, meanwhile, is 65 miles from Exeter's County Hall. Much travel is along scenic but slow single carriageway roads - particularly busy in summer months with holiday traffic.

2.3 The surprising point to point distances between towns and villages, and the lengthy travelling times they involve, has seen north Devon develop its own slightly insular "region within a region" outlook. Surrounded by high moors, with the only railway a single line track connecting Barnstaple to the south west main line at Exeter, it has become used to 'fending for itself.' Many see it as an island: residents routinely put NORTH Devon, rather than just Devon

after their postcode; community spirit is rife in far-flung rural villages and hamlets, and helping hands are everywhere.

2.4 In 1990, the newly appointed Radio Authority sought to define north Devon for the purposes of a commercial radio service. The inclusion of the North Devon District Council area was obvious: to this was added around 35% of the Torridge District Council area, which serves the west and south of the wider region. Though it must be stressed that the area involved is quite vast, no single transmitter site neatly delivers the chosen definition of "North Devon" on the FM waveband. The Radio Authority took the view that Huntshaw Cross provided the only practical site, specifying an antenna template with a null to the south and south west (*reference 1 and 2*) and the winning applicant for the licence, Lantern Radio, began its service in October 1992. The station that emerged quickly became a warmly welcomed and unifying voice.

3. The existing FM area and North Devon coverage in context

3.1 The local FM service delivered from Huntshaw Cross incorporates some intentional south- and west-bound signal strength restrictions, essentially to restrict coverage in the direction of Cornwall. However all three original licence applicants noted a more pressing restriction: topography very severely restricted coverage of Devon's northern-most coastal strip from the Huntshaw Cross transmission site. This left Ilfracombe, the region's second largest conurbation, and favoured resorts such as Combe Martin, with no local commercial radio service.

3.2 Reviewing application documents for the North Devon licence, we found two candidates immediately recognised this shortcoming to the extent of proposals to install a relay transmitter to rectify the problem subject to finances. The winning applicant, Lantern Radio, settled on a 15+ TSA figure of 99,000, deliberately excluding postcodes EX34 and EX35 covering the Ilfracombe and surrounding areas.

3.3 In 2001 a relay transmitter began providing service to the Ilfracombe area. The resulting composite coverage is shown on the OFCOM MCA Map (*reference 2*) This indicates a useable signal to the vast majority of the chosen north Devon area - including very adequate coverage in all five of the region's principal towns: Barnstaple, Bideford, Great Torrington, South Molton - and Ilfracombe. In 2003, the OFCOM MCA equated to an adult (15+) population of 94403 (*Reference 3*)

3.4 Time and long experience with home and mobile listening allows us to confirm the current FM service offers a good signal in major population centres and a robust mobile signal, with good principal road/remote rural area coverage for the region. This last is particularly important in north Devon, as with so much remote high ground, weather conditions can change rapidly, making reliable, comprehensive traffic information vital. We believe FM coverage remains entirely acceptable and "fit for purpose," being generally well aligned to an area readily understood by those who live and work here as definitively being 'North Devon.' The focus of the broadcast signal is on the North Devon administrative district and the northern and eastern part of Torridge district which looks towards, and has work, leisure and social links with, towns and villages in north Devon. This includes the 'drive to work' area of Great Torrington, southernmost town in the North Devon area.

3.5 Even so, North Devon's air of rather detached isolation remains intact, as - despite the appearance of several new stations in the vast south west region as a whole since 1992, FM signals from Huntshaw Cross still do not overlap into - or even reach close to - any other local commercial radio station service area - on any waveband.

4. Okehampton

4.1 Okehampton is a small Devon town on the northern edge of Dartmoor, with few immediately obvious links to the North Devon area for which the local DAB service is now being proposed. It lies well within the west Devon District council's administrative area, at least 10 miles due south of the Measured Coverage Area of the Huntshaw Cross transmitter carrying the north Devon FM service, and separated by rather difficult terrain. Okehampton,

indeed, is further south as the radio wave flies from Huntshaw Cross (17.6 miles) than North Devon's most northerly town Ilfracombe is to its North (16 miles)

4.2 Existing FM and Digital radio coverage in the area may in general justifiably be rated as poor. To provide acceptable FM coverage in the immediate Okehampton area the BBC has chosen to install relays for its network stations and BBC Radio Devon. Postcode checks (*Reference 4*) show possible digital reception of BBC and Digital One multiplexes only on surrounding high ground, and minimal reception in the town centre and most immediate surrounding villages. This despite the recent introduction of a BBC digital service from North Hessary Tor, which is significantly terrain restricted in the North Dartmoor area. There is no local Digital service within range, no Digital relays service the town, and no plans for such relays are currently in the public domain for the period ending 2012.

4.3 We have closely examined all three original applications for the FM licence eventually awarded to Lantern Radio, (*Reference 5*) feeling that these documents might offer some clue as to whether the town was ever seen as, or intended to be, part of either the coverage or editorial area of the North Devon licence when it was first awarded by the Radio Authority.

4.4 No evidence was found suggesting that Okehampton was ever intended to form part of the North Devon FM Licence area. None of the original application documents referred to Okehampton in any way. We were not surprised by this finding: as previously stated an antenna null was incorporated into the service, markedly restricting signal strength in southbound directions. On widening the search, in the time available we were unable to find trace of any commercial radio licence (or extension) having been offered, sought, or even mooted for Okehampton.

4.5 Informally given the limited timescale, to test whether strong links to north Devon exist in Okehampton, we sought the views of Fore Street passers-by about the direction they 'look' for big-ticket items and leisure and social pursuits unavailable there. The clear answer was Exeter, with Tavistock (west Devon's administrative centre) a secondary unprompted choice. North Devon was not mentioned. We found local newspaper outlets stocking Launceston, (Cornwall) Holsworthy, and Tavistock local titles, but no newspapers from North Devon: there are 16 direct buses a day to Exeter between 07.00 and 19.00, but only 7 to Barnstaple, and then via a convoluted rural route. By car Okehampton to Barnstaple is about 28 miles: because of topography we estimate a travelling time approaching 1hr. Okehampton to Exeter by fast dual carriageway is about 24 miles, with travelling time of less than 25 minutes.

4.6 We are thus puzzled over a proposal suddenly made for a north Devon local Multiplex to begin serving the Okehampton area. Even modest informal research shows the entire area located in a completely different administrative region: moreover quite elementary research shows very little affinity with the original north Devon licensed area - on which the current DAB application is now being based. Further, local station Heart Devon would be included on the proposed multiplex, and we again noted that neither this service, nor any of its predecessors, has any previous FM coverage history in Okehampton.

4.7 We have taken an overview of likely additional 15+ population coverage in the Okehampton area, its overall effect on the proposed DAB service, and considered the impact of including the Okehampton area population in general coverage in the North Devon region (as defined by the long established service area of the existing local commercial FM service.)

4.8 As no detailed figures were provided in the consultation document, and ten-yearly Census intervals (data from 2011 census not yet available) has resulted in many available postcode-related figures now being considerably out of date, we obtained local ward and parish population estimates for 2010 (*Reference 6*) for the Okehampton sub region from Devon County Council.

4.9 An informal assessment was then made of the anticipated (largely terrain limited) DAB coverage area from the site proposed, by reference to empirical coverage of existing BBC services from that site, and Ordnance Survey Landranger maps of the area. (*Reference 7*) Results were correlated so far as possible with the small scale map provided with the consultation document. (*Reference 8*)

4.10 We fully recognise what follows can only be an approximation resulting from an inexact science, but timescale limitations have prevented a more formal approach. In recognition of the issues involved, we have upscaled the figures resulting from this work as noted.

4.11 West Devon District Council's website (*Reference 9*) advises that the district's population has grown by around 17% in 10 years, reaching 52,700 persons in 2009. (*Reference 10*) The council comments that a population density of 0.17 persons per acre makes theirs the most sparsely populated district in southern England, and one of the most sparsely populated districts in England as a whole, with just 22060 households in the entire district in 2007.

4.12 Whilst noting such statistics do not appear to provide pressing reasons to make the investment necessary for the early launch of a new digital service in the area, in the light of this information, we have chosen to upscale our estimated coverage figures by 25% to give a very favourable margin for error in the following population estimates.

4.13 From the data readily available to us as noted above, we have estimated the potential coverage of 15+ adults in Okehampton at 8140 persons for the town in general, and 3688 for the immediate rural area - anticipated to receive consistently useable indoor Digital signals from the proposed site.

4.14 We conclude that if this transmitter was enabled, effective 15+ population coverage might be in the region of 12,000 people. We do not however believe that this total can realistically be counted towards the DAB multiplex coverage as proposed - since we believe Okehampton cannot realistically be described as being in North Devon - either administratively or by dint of existing (or previous) coverage by a north Devon commercial radio service.

4.15 The view above is supported by our analysis of established surrounding FM services, from which the wider, Exeter, Torbay and East Devon regional local Digital multiplex network currently on-air has developed. For this analysis we reviewed Measured Coverage Area maps for services which may be regarded as related to that now proposed for "north Devon" in either coverage or audience terms. This analysis can be found at Section 7.

5. Ilfracombe

5.1 We are very concerned that the plan for a North Devon DAB "extension" in practice seems certain to result in reduced coverage in the north Devon area.

5.2 Coverage maps supplied with the consultation documentation clearly show no Digital service in the most northerly part of the County. At analogue switch off, this will result in the complete withdrawal of local service from a sector of the north Devon population living and working in the coastal area adjacent to the Bristol Channel and including the town of Ilfracombe, second largest settlement in the entire North Devon region. (*Reference 11*)

5.3 Topographic problems which result in poor FM coverage from Huntshaw Cross into this region were identified in predictions commissioned by two applicants for the original North Devon FM licence in 1992. (*Reference 12*) Both suggested a relay transmitter would be needed to provide acceptable coverage, and this went on-air in 2001. Thus for many years the town and surrounding area has enjoyed a local commercial radio service specific to their region. **Once analogue FM is turned off, there appears to be no suggestion of any plan to re-provide that relayed FM service by Digital means at any future stage.**

5.4 We regard it as unacceptable to use digital switchover as an excuse to simply cease coverage of an established local commercial service to this significantly populated area, especially where (i) that service has previously existed over a long period, (ii) it will disenfranchise the second largest settlement in the entire region, and (iii) the digital service being proposed purports to be provided for the north Devon area.

5.5 Such a move clearly would clearly leave both listeners and advertisers at serious disadvantage, with no obvious recourse to allow restoration of the status quo.

5.6 Ilfracombe is identified within the North Devon Local Plan and Devon Structure plan as an Area Centre, providing a strategic focus on housing, employment opportunities, educational facilities and other services for people in the northern part of the district. Much of the towns character relates to its 19th century popularity as a holiday resort, and many Victorian, Edwardian, Georgian and even earlier buildings, constructed to serve visitors, still survive.

5.7 Since the 1960's, the town has suffered general decline and acute economic problems associated with fading popularity as a tourist resort. Confidence and investment in the town has also faded, and with previous rail and sea connections gone, transport links nowadays involve a road network constrained by geography. Ilfracombe's location is felt by North Devon District council to present significant barriers to development and regeneration, a position recognised in the current North Devon Local Plan through a growth strategy intended to promote an 'urban renaissance.'

5.8 However the report referenced earlier (*Reference 11*) also notes that Ilfracombe's Central and East wards particularly reflect the resort's long-term decline, showing multiple signs of deprivation, especially in unemployment, low skills, low incomes, health problems, child poverty and debt. Both wards are recognised regionally and nationally as priorities for neighbourhood renewal. The Indices of Multiple Deprivation 2004 (quoted in the referenced report) show part of Ilfracombe Central ward in the most deprived 8% of areas in the country, with the remainder in the most deprived 18%.

5.9 Against this background we feel that, far from abandoning the area, local commercial radio can and should be playing an increasing and significant future role in the regeneration of the Ilfracombe area.

5.10 We believe that commercial radio is ideally placed to help in communicating not just accessible entertainment, but important messages to support, help and advise disadvantaged persons who are often regarded as "difficult to reach." Far from planning for complete withdrawal of a local commercial service from coverage of this disadvantaged area (and the contrasting, pleasantly scenic coastal fringe nearby) once a digital switchover date is announced, we feel it would actually be much more appropriate to be planning now for further improvement in broadcast resources in this far-flung part of north Devon.

5.11 To define in practical terms the possible loss of coverage at analogue switch off, we reviewed various relevant documents. Existing composite FM coverage of the north Devon region - including the Ilfracombe area - is shown on the OFCOM MCA Map. (*Reference 1*) This shows very adequate coverage of Ilfracombe and populated areas nearby, where reception from Huntshaw Cross may be expected to be variable or non-existent. The composite OFCOM MCA map defined an area with an adult (15+) population at that time of 94403 persons (*Reference 13*) This figure is still in use for the north Devon FM service, though the area's population will have grown since the survey was undertaken.

5.12 We have analysed readily available published data, and related it to the OFCOM MCA map, (*Reference 2*) to arrive at a likely population coverage figure for the FM service provided by the Ilfracombe relay transmitter. As with Okehampton, no detailed figures have been provided in the consultation document, and we remain conscious that much current Postcode-related population data is rather out of date, based on a census conducted in 2001. Thus, as for Okehampton, we have obtained local ward and parish population estimates for 2010 for the Ilfracombe sub region from Devon County Council. (*Reference 6*)

5.13 Correlating as far as possible the coverage shown on the OFCOM FM MCA map and the parish and ward geography in the area, we have used 15+ adults data for Ilfracombe East, Central, and West Wards, together with the Combe Martin and Berrynarbor wards, and the entire Kentisbury parish. A number of adjoining areas were noted where a useable signal might be available from either the relay or the main station at Huntshaw Cross, and possibly from both in some cases.

5.14 We considered the result of this work against the predicted Noise limited coverage for all three digital transmitters shown in the consultation document. (*Reference 14*) We concluded that the Digital area shown as served was still some way short of the ward boundaries we had selected as covered by the FM relay, and considered adding the populations of further surrounding wards or parishes. However the area in question is rural with relatively low

population numbers, and we felt a suitably conservative approach would be to remain with just those wards and parishes originally assessed for inclusion.

5.15 Its accepted that what follows can only be an approximation resulting from an inexact science, but timescale limitations have prevented a more formal approach and we believe the result is conservative but accurate enough to provide an acceptable indication of the likely situation .

5.16 From our estimates of the area involved, using data readily available to us at short notice, we have estimated the existing Ilfracombe FM relay services a minimum potential 15+ adult population in the north Devon coastal area of some 15100 persons. We also identified locations where a further possible total of almost 5000 persons are likely to have some choice over reception of the existing FM service on two different frequencies.

5.17 Thus we have calculated that the Digital service proposed would not, at launch or at any future time, be available to at least 15000 people in north Devon - all of whom currently have available an adequate or better FM based service for their region. This audience would receive no local commercial service at all after analogue switch off, though the existing service has been available on FM since 2001. We estimate there are up to 5000 additional people in the area who may be at potential risk of having no digital replacement service available to them if the proposal under consultation is accepted.

6. Barnstaple

6.1 We note the proposal to provide a Digital relay transmitter to reinforce coverage in some 'shadow' areas and lower lying parts close to the river estuary area between Barnstaple and Appledore. We also note that, from experience, FM reception does not in general seem unduly poor in this area. Whilst even the small scale coverage maps provided appear to show some - but not uniformly comprehensive - improvements likely as a result of this relay, we find insufficient information is available to allow assessment of the number of additional persons that will receive a service by virtue of this transmitter alone - through being in locations where digital reception is marginal or non-existent from the Huntshaw cross site.

6.2 The situation is further confused since households rather than 15+ adults are used as a general measure of coverage in the proposal. The area in question has a mixture of business, retail, light industrial and residential occupation. Our overall view is that, because the Barnstaple relay transmission range falls entirely within the proposed service area emanating from Huntshaw Cross, and is also within the FM service area, albeit with a different antenna pattern, the resulting fairly modest additional head count can probably be discounted in assessing the wider area population coverage for this paper.

7. Existing services coverage area analysis and available DAB plans and predictions

7.1 Amongst established local commercial services, in addition to the Huntshaw Cross service central to this consultation, the Exeter FM and East Devon FM transmitters currently carrying services branded as "Heart Devon," (and related Digital services) are the only relevant contenders capable of providing sufficient widely dispersed coverage to reasonably justify the term "extension" being applied to this north Devon Digital licence extension application.

7.2 The Measured Coverage Area maps for these FM services were reviewed. (*Reference 15*) Account was taken of marginal power increases since some MCA maps were prepared. We found no overlap/out of area coverage into either Okehampton or indeed anywhere in the established (FM) North Devon listenership area. Field strengths are generally well below listenable or measurable levels at the quite significant distances involved.

7.3 We have reviewed the Arqiva paper "Digital Switchover (DSO) Programme Radio DSO Block 10C North Devon" dated 14th February 2011 (*Reference 16*) which considers various possibilities for providing commercial Digital Services in a region which appears vastly wider than any reasonable standard definition of "north Devon" put forward to date. In order to provide the quality of service expected for indoor digital reception, the

document suggests a very significant number (up to 20) in-fill transmitters, where the area currently receiving the existing FM service at a solidly acceptable level requires just one.

7.4 We also feel it important to point out that the Report's authors noted there is little overlap coverage in editorial area between even this greatly expanded "north Devon" region, and the multiplexes operating in Exeter and Torbay (and elsewhere in the region) which are, of course, proposed as the base service from which the DAB extension under consultation would be derived. (Reference 17)

7.5 Our view on the evidence available from this paper is that, moving forward, the necessarily costly requirement for so many in-fill relay transmitters in order to provide adequate digital coverage in the region effectively puts forward a strong foundation for a case to continue an FM service. This is because, given the sparsely populated and hilly terrain of the area in general, FM is likely to prove both far more cost effective and more efficient in providing a solidly reliable signal in difficult terrain.

7.6 We were unable to obtain more detailed existing Digital service area coverage information in the time available, and noted that detailed assessment is difficult using the small scale predicted Digital service maps provided with the consultation document. We have also noted that in each case these maps seem to suggest coverage generally far wider than the equivalent FM services for Exeter, East Devon and Torbay transmitters currently on air. Interestingly too, we note the Digital coverage predicted in the area west of Exeter is significantly wider than the PPA map of the combined existing multiplex also supplied (Reference 18).

7.7 Our current feeling based on empirical reception experience in the hilly terrain and Exmoor and Dartmoor foothills north and west of Exeter is that the combined digital coverage prediction offered (Reference 19) may be overly optimistic: we are sure informed readers will already be well aware of the many vagaries of patchy 'outer area' digital reception, particularly indoors.

7.8 From the source documentation we have examined, we conclude that:

7.9 As far as can be ascertained given the availability, scale and definition of the material, it seems that nowhere do the measured or predicted coverage areas of the DAB service now proposed and related services already on air in the specified peripheral areas genuinely coincide.

7.10 Thus the proposed area of extension cannot be regarded as contiguous with any existing local FM or local Digital service area. This is certainly the case as shown by archived MCA documentation when related to the supplied PPA maps, and it follows that (though good receiver performance and external receiving antenna arrays may in some cases offset predicted field strength deficits) it is also very likely to be the case in practical deployment of most ordinary receivers on the ground, particularly indoors.

7.11 The consultation mapping supplied appears to show use of an omnidirectional antenna radiation pattern for the proposed Digital service from Huntshaw Cross. The FM precedent however, is for a directional antenna with maximum signal delivered in a generally north facing, east to west arc. Clearly it is this directional radiation pattern which since 1992 has defined the area served by the local commercial station in North Devon (Reference 2)

7.12 With the inclusion of Okehampton, the exclusion of Ilfracombe, non contiguous service and the use of an alternative antenna pattern, we conclude that the application under consultation is for a materially different, much wider, and thus new licence area - rather than a simple extension of Digital service to the existing north Devon area.

7.13 Moreover, it is not appropriate in our view to properly describe the service now proposed as a service intended for north Devon listeners as historically defined.

8. Note on population count methodology and its implications

8.1 We wish to highlight the potential confusion which may arise concerning numbers of households quoted in the consultation notes - versus numbers of 15+ adults accepted hitherto as the measurement standard in what has come to be recognised as the north Devon FM area.

8.2 The proposal for an extension seems to be based on a count of 81,915 households in relation to what it clearly describes as North Devon: the OFCOM official FM MCA (uncorrected since 2003, though the population trend is upwards in this region) stands at 94403 15+ adults. Even given the latitude involved in interpreting numbers of adults in a 'household' there is a very significant discrepancy between these figures.

8.3 The research we have undertaken for this submission leads us to believe that a principal reason for this discrepancy is an attempt by the proposal to make a case for provision of a local Digital service covering a very different geographical area from that which is currently licensed on FM.

9. Notes on coverage, licensing requirements and new consultations

9.1 We are aware that under section 104A of the Broadcasting Act 1990, licensees who are providing a local digital sound programme service on a 'relevant' local radio multiplex are entitled to apply on one occasion for an uncontested renewal of an existing licence.

9.2 We also note the content of Section 104 of the Broadcasting act 1990 in regard to a "relevant local multiplex service," defined in direct relation to existing FM commercial services with a coverage area which "to a **significant** extent includes the coverage area of the local service provided under the local licence."

9.3 In paragraph 2.15 of the consultation document to which this submission relates, OFCOM states that "a multiplex service is 'relevant' if it provides DAB coverage to at least 25% of the adult population covered by the local analogue licence in question." We believe a figure of 25% is much too low, and very far from "relevant" We feel a figure closer to 75% would be more appropriate. It appears to us that as presently structured, this very modest requirement could be used as a route to retain a licence without rigorous safeguards for members of the listening public who have no choice in local commercial services available to them. It also seems to us in the longer term that in this case, given the contents of this paper, such a minimal requirement could be used to sidestep continued long term commitment to broadcasting to the people of North Devon (who have had a valued local FM service available since 1992) after analogue switch-off.

9.4 We urge OFCOM to consider the implications of this situation most carefully in relation to the north Devon area.

9.5 We note that a new OFCOM DAB radio consultation "An approach to DAB coverage planning" opened on June 22nd. We are very concerned at the timing of this consultation, less than 3 weeks after the opening of the consultation being addressed by this paper. It is clear most questions raised by OFCOM in the new consultation are of very great and particular relevance in the consultation being addressed by this submission; thus we feel the results of the new consultation should have been made public first, before invitations to comment on the current north Devon proposal were invited.

9.6 It seems to us that the format of (and responses to) the current proposal might have been very different if the application for a north Devon DAB "extension" had been made in the light of knowledge of public responses to the following questions, posed by OFCOM in the new consultation:

1. Do you agree with our approach of matching DAB to FM within defined editorial areas? We will seek comments on specific editorial boundaries via separate consultations if and when specific changes are proposed;

2. Do you agree with our approach to determining the extent of existing FM coverage, and which of the three field strength levels should be used to define the FM coverage that DAB should match?

3. Do you agree with our approach to determining the extent of existing DAB coverage, and its relation to the approach we take for FM? And in particular, as we consider the emerging issues; And
5. Should the principle of merging editorial areas be explored, as a way of improving coverage?

10. Summary

10.1 We have found that the proposed area of "extension" is not contiguous with any existing PPA of a local commercial digital multiplex, or with the MCA of any existing licensed local FM commercial radio service.

10.2 For reasons fully explained in preceding pages, we believe that the area proposed as a Digital "extension" for north Devon is also materially different from, and not directly related to that historically defined by the local FM commercial radio service from Huntshaw Cross. The principal reasons for this are:

- 10.2.1 The Digital proposal removes north Devon's second most important population centre (Ilfracombe) from any coverage;
- 10.2.2 The Digital proposal adds a large rural area to the south west (most of the Torridge district council area - not previously covered in the original FM licence); and
- 10.2.3 The Digital proposal adds, for unclear reasons, a population centre and environs (Okehampton) unrelated to north Devon.

10.3 At analogue switch-off, it's clear that adding a Digital service as proposed would seriously disadvantage the north Devon area, by completely removing their established local FM commercial radio service. If this "extension" was agreed, a very serious loss against existing FM coverage would result in the already socially disadvantaged Ilfracombe area. Our estimate is that between 15,000 and 20,000 people could be disenfranchised in this situation.

10.4 On balance, though the proposal implies greater coverage with a Digital service, we feel this is quite irrelevant, since (even if the predictions are correct) the vast majority of that new coverage falls outside the established North Devon area - particularly, though not exclusively in the town and vicinity of Okehampton, and in the extensive, predominantly rural and previously unserved area to its west.

10.5 Okehampton and its environs are in west Devon, which is not part of the north Devon area in either radio or administrative terms. It is not within the FM MCA of Huntshaw Cross TX, and historically has never been part of the Lantern (or any other commercial radio) licensed area.

10.6 We find it particularly odd that a new Digital service for Okehampton in west Devon has been proposed, with coverage of around 12,000 persons, when a far more appropriate and logical alternative would have been a proposal for the intended Digital service to cover Ilfracombe, thus protecting existing coverage for an established potential audience around 50% higher.

10.7 We do not believe such a coverage gain can or should be used in an attempt to offset the serious loss of existing coverage which would occur in the north of the region. Our estimates suggest this could amount to a completely unacceptable median loss of around 18.5% of the current defined FM Measured Coverage Area audience. On analogue switch-off, our estimates suggest Digital service from Huntshaw Cross would then slip to only 50% of FM coverage in the long established primary North Devon area.

10.8 In the context of region-wide audience numbers and in the complete absence of accompanying audience figures for it, we have assumed for the purposes of this paper that an additional relay in the Barnstaple area will have a neutral effect on served audience numbers.

10.9 Taken overall, we contend that an "extension," to the existing Exeter and Torbay local multiplex, which implies an effectively seamless join between existing and proposed service areas, cannot be justified in the light of these findings. We suggest that should a local digital

multiplex be felt appropriate or desirable for the north Devon area, it should, as an absolute minimum, replicate the existing FM service - and be awarded as a result of the normal and well established full advertisement and application process .

10.10 We are concerned about implications of the licensing regime referred to in the consultation documents. This suggests uncontested renewal of an existing local commercial FM licence in the north Devon area - in exchange for a commitment to digital broadcasting with insufficient relevance and severely reduced coverage compared to the area served on FM over a long period of time.

10.11 We are concerned that a new consultation has opened which poses questions of great relevance to the north Devon consultation currently under way. We feel a very different application for a "north Devon extension" might have been put forward if the new consultation results had been published before the north Devon consultation started. If the north Devon application were now to be granted, we are particularly concerned that north Devon residents may well end up with the worst of all worlds: no ability to challenge an incumbent commercial radio licensee with regard to provision of a local service, inferior editorial coverage - and inferior digital reception, all because of the ill-matched timings of two separate but closely related OFCOM consultations.

11. Conclusions

11.1 We are puzzled over a proposal suddenly made for a north Devon local Multiplex to begin serving the Okehampton area. Our modest informal research shows the entire area located in a completely different administrative region, and there is very little affinity with the original north Devon licensed area - on which the current DAB application is now being based. Further, local station Heart Devon would be included on the proposed multiplex, and we note that neither this service, nor any of its predecessors, has any previous FM coverage history in Okehampton or its environs.

11.2 We conclude that if the proposed Okehampton DAB transmitter was enabled, effective 15+ coverage might be in the region of 12,000 people. We do not believe that this total can realistically be counted towards the DAB multiplex coverage as proposed - since Okehampton cannot realistically be described as being in North Devon.

11.3 We regard it as unacceptable to use digital switchover as an excuse to simply decrease coverage of an established, long standing local commercial service to the significantly populated Ilfracombe area. We have calculated that the Digital service as proposed would not, at launch or at any future time, be available to at least 15000 people in north Devon - all of whom currently have available an adequate or better FM based service for their region. We estimate there are up to 5000 additional people in the area who may be at potential risk of having no digital replacement service available to them if the proposal under consultation is accepted.

11.4 With the inclusion of Okehampton, the exclusion of Ilfracombe, a non contiguous service proposal and the use of an alternative antenna pattern, we conclude that the application under consultation is not a simple extension of Digital service to the existing north Devon area, but an application to cover a materially different, much wider, and thus new licence area.

11.5 It is not appropriate in our view to properly describe the service now proposed as a service intended for north Devon listeners as defined by the FM coverage which has existed since 1992.

11.6 With an anticipated household coverage of just 53% at launch, in an area which does not closely resemble the existing local FM commercial station service area, we find it hard to avoid a suspicion that this ill-researched proposal for a local Digital Multiplex is motivated more by a wish to obtain automatic renewal of that existing licence than by any great desire to bring digital radio to listeners in the North Devon region.

12. Responses to OFCOM consultation questions

(Full supporting details in respect of responses to Q3 and Q6 can be found in the attached paper)

Q1. Do you think that allowing Now Digital to extend the coverage area of its Exeter & Torbay local radio multiplex licence to include North Devon would unacceptably narrow the range of DAB programme services available in the Exeter and Torbay area? Please explain the reasons for your view.

No, we do not believe the proposal would unacceptably narrow the range of DAB services in the Exeter and Torbay area.

Q2. Do you think that allowing Now Digital to extend the coverage area of its Exeter & Torbay local radio multiplex licence to include North Devon would be calculated to maintain or promote the development of digital sound broadcasting in the UK otherwise than by satellite? Please explain the reasons for your view.

No, we do not. Reasons:

- 1. The proposal does not make a case for adequate Digital coverage (reference previously stated Government intentions) in the region it purports to serve. The launch coverage of 53% will leave much of the potential audience across a wide part of north Devon with no useable signal, and the addition of later transmitters is not greatly relevant.**
- 2. It will leave a significant part of the intended (and currently served) north Devon area (Ilfracombe and surrounds) unserved in perpetuity (and lacking any local digital service at all after analogue switch-off)**

Q3. Do you think that Now Digital's proposals for providing coverage of North Devon are satisfactory? Please explain the reasons for your view.

No we do not. Reasons:

- 1. We fail to understand why a proposal made for a north Devon local Multiplex would seek to serve the Okehampton area. This area is located in a completely different administrative region, is outside the coverage area of the north Devon FM service, and has little if any affinity with the original north Devon licensed area - on which the application is based.**

(Analysis and further information in the attached submission paper, section 4)

- 2. Local station Heart Devon would be included on the proposed multiplex: this service has no previous FM editorial or coverage history in Okehampton or its environs.**

(Further information in the attached submission paper, section 4, paragraphs 4.3, 4.4, and 4.6)

- 3. We do not believe that any audience achieved by an Okehampton DAB transmitter can realistically be counted towards the DAB multiplex coverage for north Devon as proposed - since Okehampton cannot be described as being in north Devon.**

(Analysis and further information in the attached submission paper, section 4, paragraphs 4.1, 4.4, 4.5, 4.6, 4.14)

- 4 We regard it as quite unacceptable to use digital switchover as an excuse to simply cease coverage of an established, long standing local commercial service to the significantly populated Ilfracombe area. We estimate there are at least 15,000 and possibly up to 20,000 people in this area at potential risk of having no local digital replacement service available to them at analogue switch-off if the proposal under consultation is accepted.**

(Analysis and further information in the attached submission paper, section 5, paragraphs 5.3, 5.4, 5.5, 5.8, 5.9, 5.16, 5.17)

Q4. Do you consider that Now Digital has the ability to maintain its local radio multiplex service if its request is granted? Please explain the reasons for your view.

Yes

Q5. (For programme service providers on the Exeter & Torbay local radio multiplex only) Do you consider that there are sufficient safeguards in place to protect your rights and interests in the event that Now Digital is permitted to extend coverage to include North Devon?

Not Applicable

Q6. Do you consider that there any other grounds on which Ofcom should approve, or not approve, the request from Now Digital? Please explain the reasons for your view.

We believe there are several additional grounds why this application should be refused, as follows:

With the inclusion of Okehampton, the exclusion of Ilfracombe, a non contiguous service proposal in general and the use of a different antenna radiation pattern, we conclude that the application under consultation is not at all a simple extension of Digital service to the existing north Devon area,

(Analysis and further information in the attached submission paper, section 7)

We believe this is an application to cover a materially different, much wider, and thus new licence area, and should be subject to formal application procedures for a licence on that basis.

(Analysis and further information in the attached submission paper, section 7, and section 8, paragraphs 8.2 and 8.3.)

It is certainly not appropriate in our view to properly describe the service now proposed as a service intended for north Devon listeners as defined by FM coverage which has existed since 1992.

(Analysis and further information in the attached submission paper, section 7, paragraph 7.8 and section 8, paragraph 8.3)

With an anticipated household coverage of just 53% at launch in the core north Devon area, the addition of an Okehampton transmitter will not further increase the relevant audience - since Okehampton is not located in North Devon.

(Applicant's figure quoted above; our analysis and further information in the attached submission paper, section 4, paragraphs 4.4, 4.5, 4.6, 4.14, 4.15)

Our view is that the suggestion in the consultation documentation that "significant" is defined as provision of DAB coverage to "at least 25% of the adult population covered by the local analogue licence in question." is far too low, and very far from "relevant" as a threshold for allowing uncontested renewal of a local commercial FM licence if carried on the proposed multiplex. We feel a figure closer to 75% adult population coverage would be more appropriate, and could be regarded as "significant." We urge OFCOM to ensure the very modest requirement suggested in the documentation is not exploited as a route to retaining an existing FM licence without rigorous safeguards for those in north Devon who have no choice in the local commercial services available to them - while simultaneously offering to provide unacceptably inadequate Digital coverage in the region.

(Analysis and further information in the attached submission paper, section 9)

(Responses end)

Submission to OFCOM

DAB in North Devon - Request to extend coverage area of Exeter & Torbay local radio multiplex.

Submitted on 27th June 2011

13. References

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Page 2 Reference 2:

Official OFCOM Measured coverage area map, OFCOM website: "Barnstaple FM MCA Lantern Radio. 29th Dec 2003."

Page 2 Reference 3:

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Page 3 Reference 5 :

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Page 6 Reference 16:

Arqiva paper "Digital Switchover (DSO) Programme Radio DSO Block 10C North Devon" dated 14th February 2011. OFCOM Website. Maps, pages 11, 12, 13.

Page 7 Reference 17:

Arqiva paper "Digital Switchover (DSO) Programme Radio DSO Block 10C North Devon" dated 14th February 2011, OFCOM website. Paragraph 1, page 4: "Block 10C for North Devon is a new allocation. There are no editorial area overlaps with the adjacent allocations of Somerset 10D (to the east), Exeter & Torbay 11C (to south-east), Plymouth 10D (to south) and Cornwall & Scillies 11B (to the west)"

Page 7 Reference 18: OFCOM Consultation document: DAB in north Devon, Request to extend coverage area of Exeter and Torbay multiplex, Annex 6, page 20, "Exeter and Torbay Primary Protected area."

Page 7 Reference 19: OFCOM Consultation document: DAB in north Devon, Request to extend coverage area of Exeter and Torbay multiplex, Map "Noise Limited coverage for North Devon on 10C," Page 17.

(ends)