



## DAB IN NORTH DEVON

Request to extend coverage area of Exeter & Torbay  
local radio multiplex

Consultation

Publication date:

1 June 2011

Closing date for responses:

29 June 2011

# Contents

Section		Page
1	Executive summary	2
2	Details and background information	3
<b>Annex</b>		<b>Page</b>
1	Responding to this consultation	6
2	Ofcom's consultation principles	8
3	Consultation response cover sheet	9
4	Consultation questions	11
5	Application from Now Digital	12
6	Map of existing Exeter & Torbay licensed area	20

## Section 1

# Executive summary

- 1.1 Now Digital, which holds the local radio multiplex licence for Exeter & Torbay, has applied to extend the coverage area of the licence so that it also includes North Devon.
- 1.2 Now Digital Limited proposes to provide coverage of North Devon using three transmitters, at each of Huntshaw Cross, Barnstaple and Okehampton. It says that it will launch the first of these within six months of Ofcom granting consent to its request, and the latter two six months after “a positive decision in 2013 by Government regarding digital switchover”.
- 1.3 Before deciding whether to agree to Now Digital’s request, Ofcom is legally required to seek representations on the request from any interested parties. This consultation represents that opportunity. The closing-date for representations to be made is Wednesday 29 June 2011; any submissions received after this date may not be considered.
- 1.4 The relevant statute states that Ofcom can agree to the request only if we are satisfied that the change would not unacceptably narrow the range of DAB programme services available to listeners in the Exeter and Torbay area. Now Digital is not proposing to change the line-up of such services available.
- 1.5 Provided that the request meets the terms of the statute, the decision whether or not to agree to the request is at Ofcom’s discretion. Our general policy is to grant requests from local radio multiplex licensees to extend their coverage provided we are satisfied that:
  - doing so would be calculated to maintain or promote the development of digital sound broadcasting in the UK otherwise than by satellite;
  - the licensees’ proposed coverage plans are satisfactory;
  - the licensees have the ability to maintain the licensed service; and
  - there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry).
- 1.6 We seek views on the extent to which the request from Now Digital satisfies any or all of these policy criteria.

## Section 2

# Details and background information

- 2.1 Local radio multiplex licences are granted by Ofcom to enable the provision of radio stations and other types of service (e.g. data) on the DAB (Digital Audio Broadcasting) platform. The holder of a local radio multiplex licence is responsible for, among other things, delivering coverage in the local area, and facilitating the provision of a range of radio services to listeners in that area.
- 2.2 The local radio multiplex licence for the Exeter & Torbay area of Devon was awarded in October 2001 to Now Digital Limited. The licence commenced when the multiplex service was launched just over a year later, in October 2002, and is designed to cover an area defined as all of postcode area TQ (except TQ7 and TQ8), and the postcode districts of DT7 and EX1 to EX17. This area was originally known as the 'Primary Protected Area' (PPA), but is now known as the 'licensed area'. A map showing this area is at Annex 6.
- 2.3 Now Digital currently provides indoor coverage<sup>1</sup> to 53% of households in this area, using three transmitters at Beacon Hill (near Torquay), Exeter St. Thomas and Stockland Hill (near Honiton).
- 2.4 Now Digital Limited has submitted an application to extend the 'licensed area' of the Exeter & Torbay local radio multiplex licence so that it also includes North Devon (specifically, the area of Devon which is not part of the 'licensed areas' of the existing local radio multiplex licences for each of Exeter & Torbay and Plymouth). This would require a new frequency to be used. The application from Now Digital is at Annex 5.
- 2.5 Now Digital Limited proposes to provide coverage of North Devon using three transmitters, at each of Huntshaw Cross, Barnstaple and Okehampton. It says that it will launch the first of these within six months of Ofcom granting consent to its request, and the latter two six months after "a positive decision in 2013 by Government regarding digital switchover".
- 2.6 According to Now Digital, the transmitter at Huntshaw Cross would provide indoor coverage to 53% of households in North Devon, and the addition of the transmitters at Barnstaple and Okehampton would increase this coverage to 70% of households in North Devon.
- 2.7 Now Digital is entitled to apply for such an extension of its licensed area under section 54A of the Broadcasting Act 1996, which was inserted by the Digital Economy Act 2010. These statutory provisions set out the process a local radio multiplex licensee must follow when applying to extend its licensed area, and the matters that Ofcom must take into account when deciding whether to agree to a request.
- 2.8 Section 54A states that before deciding whether to agree to a coverage extension request, Ofcom must seek representations on the request from any interested parties. This consultation represents that opportunity. The closing-date for representations to be made is **Wednesday 29 June 2011**; any submissions received after this date may not be considered.

---

<sup>1</sup> By which we mean that a robust signal can be received by a portable radio receiver inside a house.

2.9 The legislation also stipulates that before deciding whether or not to agree to a request such as the one submitted by Now Digital, Ofcom must be satisfied that the change would not unacceptably narrow the range of digital radio programme services available to listeners in the area served currently by the local radio multiplex service in question. In relation to the request from Now Digital, then, we must be satisfied that extending the coverage of the Exeter & Torbay local radio multiplex service to also include North Devon would not unacceptably narrow the range of DAB radio stations available to listeners in the Exeter and Torbay area.

2.10 The line-up of digital radio stations currently provided by Now Digital to listeners in the Exeter and Torbay area is as follows:

<b>Format</b>	<b>Station</b>	<b>Provider</b>
Contemporary Hit Radio	Heart Devon	Global Radio
Classic Hits	Gold	Global Radio
Alternative rock	Xfm	Global Radio
Dance	Kiss	EG Digital
Contemporary Hit Radio	Capital	Global Radio
Traffic and Travel	Traffic Radio	Global Traffic Network
Classic Rock	Absolute Classic Rock	TIML Radio
Cutting Edge	NME Radio	Digital Programme Services
Event Radio	Pop Up Radio	Various
Local BBC service	BBC Radio Devon	BBC

2.11 The fact that the services in North Devon would be provided on a different frequency to those in the existing Exeter and Torbay area means that Now Digital would have the scope to offer different services in the two parts of an expanded 'licensed area', if it so wished. However, in its application, Now Digital states that it proposes to maintain the above line-up of programme services if its request is agreed, which means that the services available to listeners in the Exeter and Torbay area will not change, but that those same services will become available for the first time on DAB to listeners in North Devon. Although it seems that agreeing to Now Digital's request would not unacceptably narrow the range of DAB programme services available in the Exeter and Torbay area, we nevertheless welcome views on this matter.

2.12 As indicated in paragraph 2.9, Ofcom can still decide not to agree to Now Digital's request even if it is satisfied in relation to the criterion specified in the legislation. In other words, agreeing to the request is at our discretion provided that the request meets the terms of the statute.

- 2.13 We have previously set out (in our *Statement on commercial radio localness regulation*<sup>2</sup>) how we will exercise this discretion. Our general policy is to grant requests from local radio multiplex licensees to extend their coverage provided we are satisfied that:
- doing so would be calculated to maintain or promote the development of digital sound broadcasting in the UK otherwise than by satellite;
  - the licensees' proposed coverage plans are satisfactory;
  - the licensees have the ability to maintain the licensed service; and
  - there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry).
- 2.14 We therefore seek views on the extent to which the request from Now Digital satisfies any or all of these policy criteria (see Annex 4 for a list of specific questions).
- 2.15 Respondents to this consultation may wish to note that under provisions in the Broadcasting Act 1990, the holder of a local analogue commercial radio licence is able to apply for a renewal of its licence in return for providing a digital programme service on a 'relevant' local radio multiplex. A multiplex service is 'relevant' for this purpose if it provides DAB coverage to at least 25% of the adult population covered by the local analogue licence in question.
- 2.16 If the request from Now Digital is approved, the expanded Exeter & Torbay local radio multiplex service will constitute a 'relevant multiplex' in respect of the local analogue commercial radio licence for Barnstaple. This licence is currently held by Lantern Radio Limited, broadcasting as Heart Devon. As the parent company of Lantern Radio Limited, Global Radio, is providing digital programme services on the Exeter & Torbay local radio multiplex service which have not formed the basis for the renewal of other analogue licences, it will be able to apply for a renewal of the Barnstaple licence in the event that Now Digital's request is approved.

---

<sup>2</sup> [http://stakeholders.ofcom.org.uk/binaries/consultations/radio/statement/Localness\\_statement.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/radio/statement/Localness_statement.pdf)

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 29 June 2011**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/dab-north-devon/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses – particularly those with supporting charts, tables or other data – please email: [andrea.jackson@ofcom.org.uk](mailto:andrea.jackson@ofcom.org.uk), attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below:
- Exeter & Torbay consultation  
F.A.O. Andrea Jackson  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- Fax: 020 7981 3850
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, at Annex 4. It would also help if you can explain why you hold your views and how the proposals would impact on you.

## Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Ofcom's commercial radio licensing team directly on 020 7981 3124.

## Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

### Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

### Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is as easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Tel: 020 7981 3601

Email [Graham.Howell@ofcom.org.uk](mailto:Graham.Howell@ofcom.org.uk)



## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

### After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title: Exeter & Torbay consultation

To (Ofcom contact): Andrea Jackson

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

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

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	<input type="checkbox"/>

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)?

### DECLARATION

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 seeks to publish responses on receipt. 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)

## Annex 4

# Consultation questions

*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.*

*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.*

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

*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.*

*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?*

*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.*

## Annex 5

# Application from Now Digital

5<sup>th</sup> April 2011

### Request to extend PPA of the Exeter & Torbay multiplex to include North Devon

Dear Peter,

NOW Digital is making a request to Ofcom to extend the PPA of the Exeter & Torbay local DAB multiplex (DL030) to additionally serve the area of North Devon not already within the existing PPA. We believe that the most effective way of providing local DAB coverage to this area is by an extension of the Exeter & Torbay multiplex as opposed to a new one, due to the small population of the North Devon area.

In accordance with Section 54A of the Broadcasting Act 1996 (as amended by the Digital Economy Act 2010), NOW Digital asks that Ofcom considers this request against the following statutory criteria:

*The application must include a technical plan detailing the proposed coverage area, estimated timetable and the technical means by which it would be achieved;*

Please find attached a technical plan detailing the proposed coverage area and the technical means by which it would be achieved. In summary, NOW Digital envisages that it will be in a position to launch a transmitter at Huntshaw Cross within six months of Ofcom granting consent to our request. NOW Digital would further establish broadcasts from Barnstaple and Okehampton six months after a positive decision in 2013 by Government regarding digital switchover.

*The variation may only be granted if Ofcom is satisfied that doing so would not unacceptably narrow the range of programmes available by way of local digital sound programme services to persons living in the area or locality for which, before the proposed variation, the local radio multiplex service is required to be available.*

There would not be a narrowing of the range of programmes available to those within the existing Exeter & Torbay PPA as a result of Ofcom granting the format change request. We propose to maintain the existing number of services to those available in the existing PPA. BBC Radio Devon and Heart Devon are not exclusively aimed at the Exeter & Torbay area, and their general Devon focus would be applicable to the North Devon area. The rest of the services we broadcast are genre focused as opposed to locally focused.

As part of Ofcom's Statement on Localness Regulation, NOW Digital is also required to address further criteria:

*The merger and/or extension would be calculated to maintain or promote the development of local digital sound broadcasting otherwise than by satellite;*

By granting NOW Digital an extension to the Exeter & Torbay DAB multiplex PPA, we shall be able to establish a stable local DAB service to the North Devon area for the first time. The North Devon area does not have a particularly large population, which would make it difficult to ever make a stand alone DAB multiplex viable. The existing range of local services in Exeter & Torbay will be preserved, and whilst there are no specific local services to North Devon as part of this

request, an extension to the PPA will nevertheless establish a multiplex to which such local services could gain access.

*the licensees have the ability to maintain the licensed service;*

NOW Digital is an established multiplex operator that has successfully been operating local DAB multiplexes since October 2000 with the launch of the Cardiff & Newport local DAB multiplex. We have successfully operated the Exeter & Torbay local DAB multiplex since November 2002, and with the support of our owner, Arqiva, remain committed to the DAB platform.

*there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry).*

As previously stated, we propose to maintain the existing range of services in the Exeter & Torbay part of the PPA. There is only one other multiplex operator in Devon, South West Digital Radio Ltd, who operate the Plymouth & Cornwall local DAB multiplex. As a shareholder in SWDR, NOW Digital can confirm that SWDR does not have an aspiration to extend the Plymouth & Cornwall multiplex to North Devon. There is no multiplex currently licensed to specifically cover the North Devon PPA.

If there is any further information we can provide, please do not hesitate to contact us.

Regards,

Ash Elford  
On behalf of Now Digital Ltd

Enc: Appendix 1 – technical plan  
Appendix 2 – service providers  
Appendix 3 – technical plan (confidential notes)

## **Appendix 1 – technical plan**

We estimate the North Devon PPA to contain 81,919 households and 462.1km of major roads. The combined North Devon and Exeter & Torbay PPAs contains 372,755 households and 1100km of major roads.

Our initial expansion will make use of the existing Exeter & Torbay PPA transmitters at Beacon Hill, Exeter St Thomas and Stockland Hill plus an additional transmitter for the North Devon PPA at Huntshaw Cross using the same ERP as for Digital One, but using the BBC National DAB antenna. Coverage to the Exeter & Torbay PPA would be on the existing frequency of 11C, whilst coverage to the North Devon PPA would be on frequency 10C.

**Map 1** demonstrates what coverage within the North Devon PPA would look like once Huntshaw Cross was on-air. The Huntshaw Cross transmitter would provide indoor coverage to 52.56% (43,055) of households and 66.99% (323.4km) of major roads.

**Map 2** demonstrates what coverage within the combined North Devon and Exeter & Torbay PPA would look like once Huntshaw Cross was on-air. The Huntshaw Cross transmitter in addition to transmitters at Beacon Hill, Exeter St Thomas and Stockland Hill would provide indoor coverage to 54.26% (202,254) of households and 65.96% (725.4km) of major roads.

Six months after a positive decision in 2013 by Government regarding digital switchover, NOW Digital will launch a further two transmitters at Barnstaple and Okehampton on frequency 10C.

**Map 3** demonstrates what coverage within the North Devon PPA would look like when the Barnstaple, Okehampton and Huntshaw Cross transmitters are on-air. Together the Barnstaple, Okehampton and Huntshaw Cross transmitters would provide indoor coverage to 70.47% (66,371) of households and 77.64% (358.8km) of major roads.

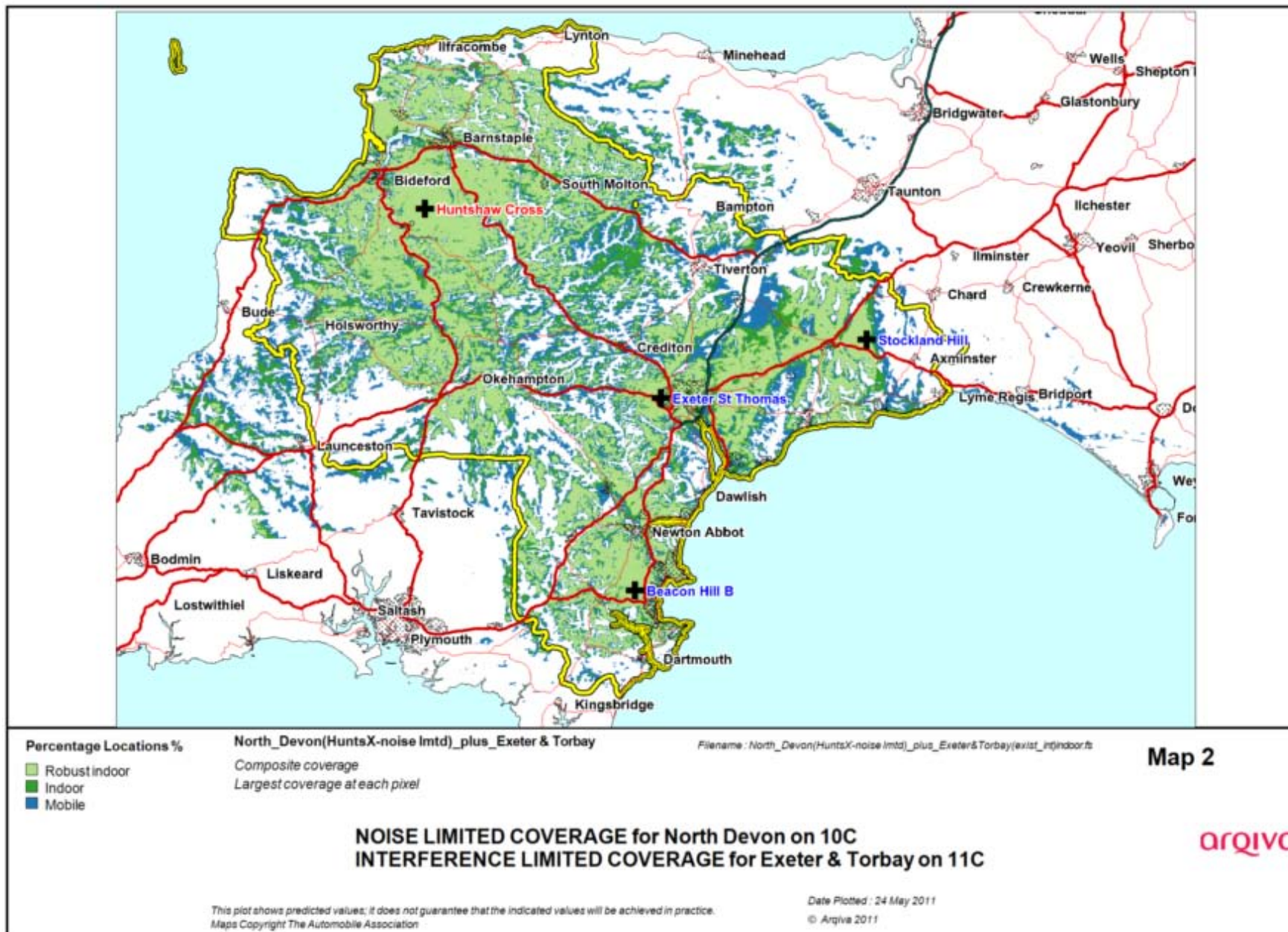
**Map 4** demonstrates what coverage within the combined North Devon and Exeter & Torbay PPA would look like when the Barnstaple, Okehampton and Huntshaw Cross transmitters are on-air. Together the Barnstaple, Okehampton and Huntshaw Cross transmitters, in addition to Beacon Hill, Exeter St Thomas and Stockland Hill would provide indoor coverage to 58.24% (217,096) of households and 69.39% (763.1km) of major roads.







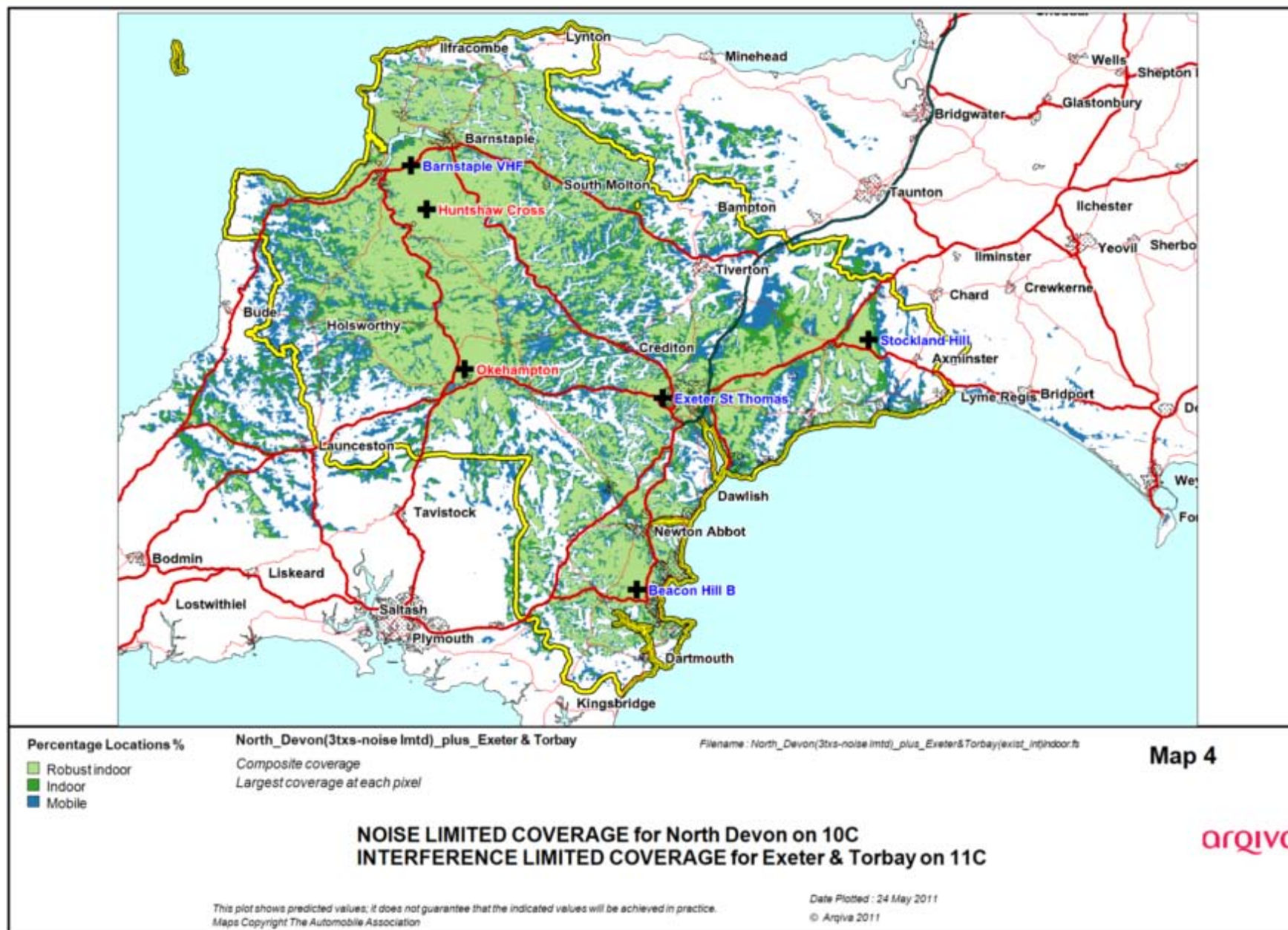
Request to extend coverage area of Exeter & Torbay multiplex







Request to extend coverage area of Exeter & Torbay multiplex



## Appendix 2 – service providers

Ofcom should note that NOW Digital intends to rebroadcast the services from Exeter & Torbay in to the North Devon PPA.

Below are the services that are contained within the existing Part 1 multiplex licence annex for Exeter & Torbay (DL030):

Service	Format	Provider	Bitrate
Absolute Classic Rock	Classic rock	TIML Radio	128kbps joint stereo
BBC Radio Devon	BBC local	BBC	128kbps joint stereo
Capital	Contemporary hit	Global Radio	128kbps joint stereo
Gold	Classic hits	Global Radio	128kbps joint stereo
Heart Devon	Contemporary hit	Global Radio	128kbps joint stereo
KISS	Dance	EG Digital	128kbps joint stereo
NME Radio*	Cutting edge	Town & Country	128kbps joint stereo
Pop Up Radio	Event radio	NOW Digital	64kbps mono
Traffic Radio	Traffic & travel	Global Traffic Network	48kbps mono
XFM	Rock	Global Radio	128kbps joint stereo

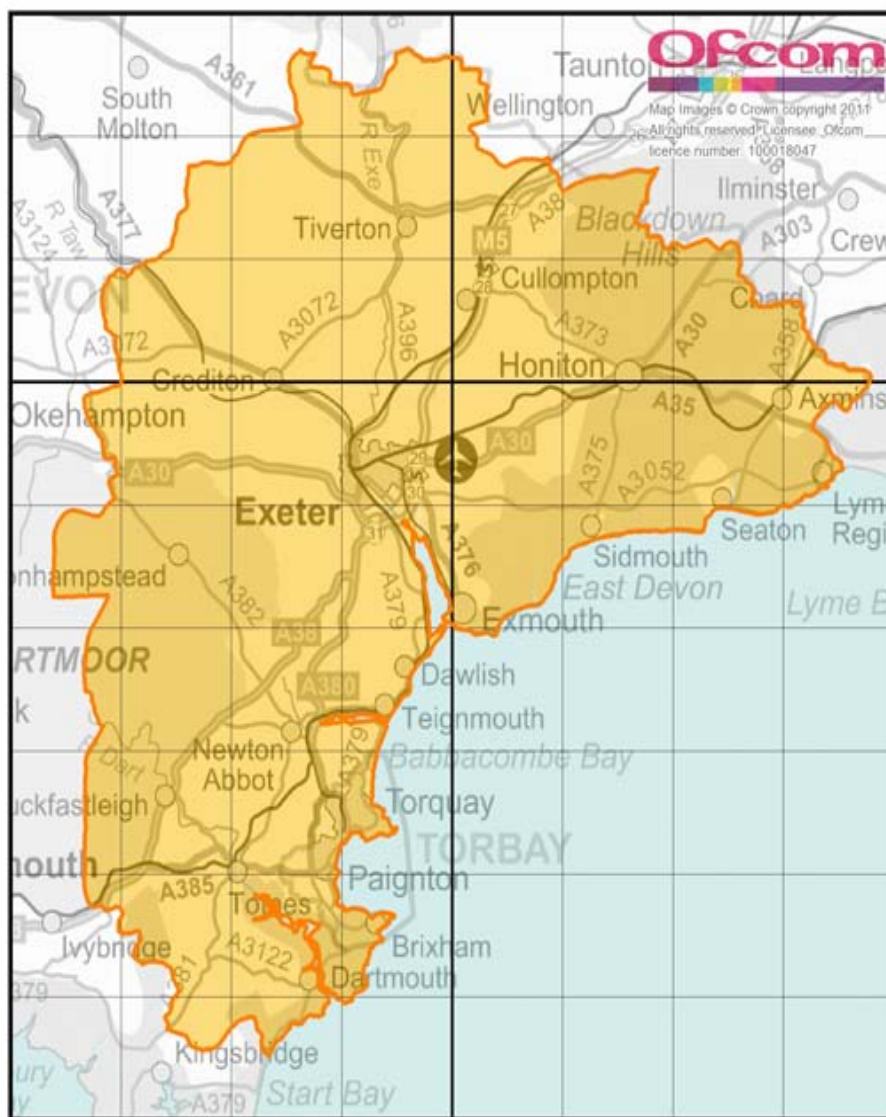
\* Ofcom should note that at the time of submission, NOW Digital has made a request to replace Passion for the Planet with NME Radio.

NOW Digital also broadcasts an EPG at 8kbps providing listings information for participating services for the current and next seven days.

At the current point in time we are not looking at broadcasting any services exclusively to the North Devon part of the PPA, although we would be open to discussing carriage opportunities with any broadcaster wishing to focus their output on this area.

## Annex 6

# Map of existing Exeter & Torbay licensed area



Exeter & Torbay DAB Primary Protected Area