

Dear Mr Stanley

26 September 2023

## Freedom of Information: Right to know request.

Thank you for your request for information about Spectrum Pollution and Solar Panel Systems.

We received this request on 29 August and have considered it under the Environmental Information Regulations 2004 (the “EIR”).

### Your request

*“Regarding your final sentence: “Our analysis does not support the argument that the proliferation of solar photovoltaic systems will inevitably lead to widespread interference.” May I see the data and or reports substantiating this evidence?”*

### Background

Ofcom is the statutory regulator for communications. That includes regulating (amongst other things) the use of the electromagnetic spectrum (“the spectrum”) – the airwaves that are used for wireless communications such as mobile telephones, as well as television and radio. The way those airwaves are used for those sorts of communications is known as “wireless telegraphy.”

Section 3 of the Communications Act 2003 (the “CA 2003”) sets out one of Ofcom’s main duties. In carrying out our functions, we are required to secure the optimal use of the spectrum for wireless telegraphy. We must also take into account the different needs and interests, so far as the use of the spectrum for wireless telegraphy is concerned, of all those who may wish to make use of it.

Section 3 the Wireless Telegraphy Act 2006 (the “WTA 2006”) sets out that, when carrying out our spectrum functions, we must have regard, amongst other things, to the extent to which the spectrum is available for use for wireless telegraphy and the demand for such use. We must also take into account the desirability of promoting the efficient management and use of the spectrum that is available for use for wireless telegraphy.

The WTA 2006 also sets out a number of functions we have to carry out and a number of powers we are given in order to do so (and when we carry out these functions and exercise these powers, we have to comply with the duties described above). These functions and powers also reflect the potential for different spectrum uses to interfere with one another and they set up a statutory scheme for managing that issue.

There are also specific provisions (section 54, 55 and 58 of the WTA 2006) that Ofcom can exercise where there are interference problems caused by apparatus. Such as the power to make regulations which set requirements to ensure that, when it is used, equipment does not cause undue interference to wireless telegraphy<sup>1</sup>.

One of the regulations Ofcom has made by exercising our power under section 54 of the WTA 2006, is the Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2016, The Regulation applies to certain kinds of equipment and gives Ofcom the power to serve a prohibition notice against the use of such equipment that causes undue interference.

Section 4 of the WTA 2006, meanwhile, gives Ofcom a function which also reflects the potential conflict between spectrum users and uses, and which is particularly relevant to this case. We must provide a service of advice and assistance for people who complain to us about interference to the spectrum. Again, though, it does not require that Ofcom ensures or guarantees that any particular spectrum use or user is free from interference.

For completeness, it is also worth noting that the WTA 2006 contains specific definitions of “interference”, and “undue” and “harmful” interference. Those are quite detailed, but the former covers where electromagnetic energy or signals mean that all or part of a wireless communication cannot get through properly to the intended recipient. Such interference is “undue” and “harmful” if it endangers navigation or safety of life services or it degrades, obstructs or repeatedly interrupts lawful wireless telegraphy transmissions.

### Our response

We do not hold the information requested. Our analysis consisted of comparing the number of interference reports received by Ofcom over the previous six years with the number of complaints where solar photovoltaic systems were the source (this data is published and available in our [Annual Reports](#)).

On average we received 1600 reports of harmful interference to wireless telegraphy each year and, on average less than two were associated with solar photovoltaic systems per year.

This analysis is contextualised by government data on UK [Solar photovoltaics deployment](#).

I hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely,

Information requests

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<sup>1</sup> Section 54(1) of the Wireless Telegraphy Act 2006

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF