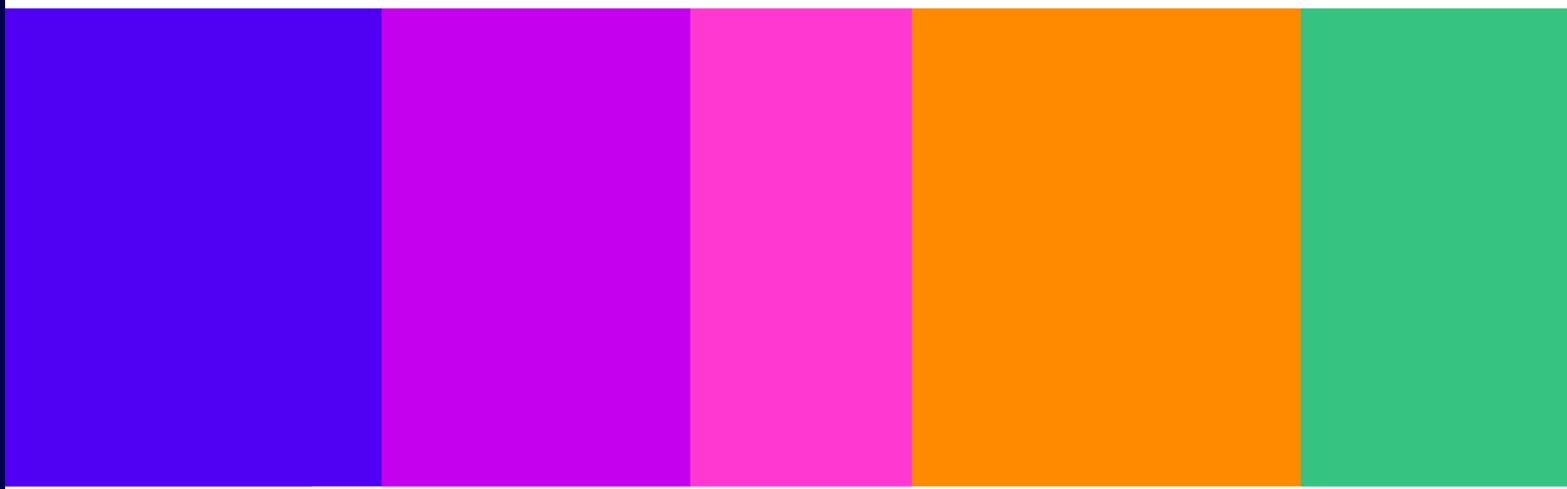


Small-scale DAB coverage change: Winchester

Request to vary the licensed area of the
Winchester small-scale radio multiple

Statement

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1. Overview

- 1.1 This document sets out Ofcom’s decision on a request to change the area to be served by the Winchester small-scale radio multiplex service. A radio multiplex service is the means by which DAB digital radio stations are broadcast.
- 1.2 Ofcom is required to consult before deciding whether to agree to such a request. We did so in a consultation that closed on 30 January 2024, and our decision takes account of consultation responses received. The overview section of this document is a simplified high-level summary only. The decision we have taken and our reasoning are set out in the full document below.

What we have decided – in brief

We have decided to exercise our discretion under section 54A(2) of the Broadcasting Act 1996 (as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019) to approve an application from Winchester DAB Limited to vary the small-scale radio multiplex licence for Winchester so as to change the area within which the service is required to be available.

2. Process for changing a radio multiplex licence area

Licence areas for small-scale radio multiplex services

- 2.1 Small-scale radio multiplex licences are granted by Ofcom principally to enable the provision of community and local digital sound programme services on the DAB (Digital Audio Broadcasting) platform. The statutory basis for licensing small-scale radio multiplex services is set out in the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019 (the “Broadcasting Act”).
- 2.2 The holder of a small-scale radio multiplex licence is responsible for, among other things, delivering its service in accordance with a technical plan agreed by Ofcom prior to grant of the Broadcasting Act licence. The technical plan contains details of the transmitter site(s) from which the multiplex service is broadcast, and other technical details such as power levels and aerial patterns etc.
- 2.3 For small-scale radio multiplex services, the technical plan effectively defines the licensed area of the service. The licensed area is the area which the multiplex service is licensed to cover (and within which its transmissions will be protected from interference). Ofcom publishes coverage maps showing the coverage and therefore extent of the licensed areas for such services. It should be noted these are indicative only, based on computer models rather than actual measurement, and on a defined predicted signal level deemed sufficient to qualify as “receivable”. They are subject to some variation due to possible interference from other services and seek to estimate in-building coverage only. Nevertheless, such models provide a reasonable estimate of coverage achieved by the technical plan appended to a licence.

Statutory framework for variations

- 2.4 Under section 54A(2) of the Broadcasting Act, Ofcom can vary a small-scale radio multiplex licence by—
 - a) varying the frequency on which the licensed service is required to be provided,
 - b) reducing the area or locality in which the licensed service is required to be available, or
 - c) extending that area or locality to include an adjoining area or locality.
- 2.5 Section 54A(3) and (4) further specify that Ofcom must have received an application for the variation from the licence holder, and that this application must include a technical plan relating to the service proposed to be provided under the licence indicating, in particular—
 - a) the area or locality which would be within the coverage area of the service,
 - b) the timetable in accordance with which that coverage would be achieved, and
 - c) the technical means by which it would be achieved.
- 2.6 Under section 54(5), before deciding whether to grant the application, OFCOM must publish a notice specifying—
 - a) the proposed variation of the licence, and
 - b) a period in which representations may be made to OFCOM about the proposal.

- 2.7 Finally, section 54(7) states that Ofcom may vary a licence in accordance with an application, *“only if they are satisfied that doing so would not unacceptably reduce the number of community or local digital sound programme services available to persons living in the area or locality for which, before the proposed variation, the small-scale radio multiplex service is required to be available.”*

Policy framework for variations

- 2.8 Whilst the above sets out the statutory framework for variations, section 54A(2) provides Ofcom with a discretionary power. That is, we can give approval if the statutory conditions are met but we are not required to do so.
- 2.9 For all requests to change transmission arrangements, Ofcom will not give its approval unless it is satisfied in relation to all the following technical requirements:
- a) Overlap with any relevant local multiplex(es) remains not greater than 40% (in line with the policy intention of section 50(2A)(c) of the BA1996 to limit such overlaps).
 - b) Any international constraints are adhered to.
 - c) There is no significant increase in the level of interference to multiplexes elsewhere.¹
- 2.10 Ofcom will also consider:
- a) Whether the reason(s) for making the change is adequately supported by evidence. In particular, we would not normally approve a reduction in coverage unless continuing with the current technical plan is demonstrably not feasible, and feasibility cannot reasonably be achieved through less impactful means.
 - b) Whether there is evidence the licensee has taken reasonable steps to minimise any adverse impacts from changes to its coverage, and that any changes in coverage involving coverage reduction or extension into the coverage area of neighbouring small-scale multiplexes are unavoidable. This should include an indication of all other sites that were investigated and any reasons for selecting a preferred site.
 - c) Whether any increase of overlap (or new overlaps) with the coverage of other small-scale radio multiplex services is excessive. Whilst some overlap between small-scale multiplexes is inevitable, and changes to transmission arrangements may alter this overlap, in general we would consider this should represent no more than a small proportion of the other multiplex’s coverage (if on-air) or polygon (if not yet launched, or yet to be advertised), and extending coverage to a material extent into a key population centre served by a launched or planned small scale multiplex service should be avoided.
- 2.11 Ofcom will have regard to the following additional criteria when determining whether to vary the licence:
- a) whether the change in transmission arrangements would be calculated to maintain or promote the development of digital sound broadcasting otherwise than by satellite;
 - b) whether the licensee’s proposed coverage plan is satisfactory;
 - c) whether the licensee has the ability to maintain the licensed service;

¹ For on-air multiplexes elsewhere, this means no significant impact to their actual coverage. For polygon areas that have not yet been advertised, or small-scale multiplexes where a licence has been awarded but not yet granted, this means protecting the entire population in the polygon area as at initial assessment.

- d) whether there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplex and the rights and interests of other multiplex operators (and the stations they carry); and
- e) any other factors that appear relevant to the particular case.

3. The variation request

Winchester small-scale radio multiplex service

- 3.1 The licence to provide the Winchester small-scale radio multiplex service was awarded to UK DAB Networks Limited (which later changed its name to UK DAB Networks (Operations) Limited) in March 2021. The licence was granted and the service came on air in September 2022. The original licensee went into voluntary liquidation on 9 November 2023.
- 3.2 The broadcast assets of UK DAB Networks (Operations) Limited were subsequently acquired from the liquidator by Winchester DAB Limited, and the licence was transferred, following application to Ofcom, on 22 November 2023. Whilst the new licensee initially continued to broadcast according to the technical plan appended to the licence, Winchester DAB Limited was unable to negotiate continued use of the existing transmission site with its owner and the service ceased broadcasting on 24 November.
- 3.3 Winchester DAB Limited has applied to vary its licence under section 54A of the Broadcasting Act, and has provided a revised technical plan in accordance with sections 54A(3) and (4).
- 3.4 Notwithstanding that the service has ceased, the appropriate comparison for the purposes of assessment remains between the service as required by the existing licence (i.e. with the existing technical plan) and the proposed technical plan.
- 3.5 Annex 1 sets out a comparison between the coverage required by the existing licence, and that which Ofcom assesses would be achieved by the revised technical plan proposed by the applicant. In brief, the revised technical plan proposes using a new transmitter site which is predicted to provide a net increase in coverage of around 10,000 people compared to the currently licensed coverage area. While this represents a substantial overall increase in coverage, around 8,500 people who were originally served by the Winchester multiplex would not be covered under the revised plan. The areas where coverage would be lost include parts of Winchester itself and some outlying areas. However previously unserved areas including parts of Eastleigh would be covered by the multiplex under the revised plan.
- 3.6 Section 7 of Ofcom’s [Guidance Notes](#) for small-scale multiplex applicants and licensees sets out our approach to considering requests for changes to the coverage of existing small-scale radio multiplexes. Having regard to the criteria set out in the guidance note, we considered it appropriate to consult on the licence variation request for Winchester given that the request:
- i) would involve providing new coverage (primarily in the Eastleigh area) which we consider would constitute an extension to an adjoining area, and
 - ii) would lead to coverage losses which, given their magnitude and location, we consider to be significant.

Preliminary view

- 3.7 Our consultation on the change request dated 2 January 2024 explained that Ofcom considered the application received met the technical requirements as to content set out in section 54A(3) and (4) of the Broadcasting Act.

- 3.8 In relation to the statutory requirements in section 54A(7), Ofcom noted that, whilst the proposed change results in a *net* increase in coverage amounting to an adult population of approximately 10,000, this involves increases in some areas and reductions in others. The changed site means around 8,500 people in and around Winchester would lose coverage compared with the current licensed area. In the context of a multiplex covering a relatively low population of around 56,000, this is a material loss. Ofcom provisionally considered this would reduce the number of community or local digital sound programme services available to persons living in the area or locality compared with what is currently *required* under the licence (albeit not actually provided given the circumstances described above).
- 3.9 However, the statutory provision requires consideration of whether this is “unacceptable”. The acceptability of a loss is not simply a matter of the number of households affected but the circumstances of the particular case. In this case, Ofcom noted that the previous operator had gone into liquidation and agreement on continuation with the transmission site operator had not proved possible. Continuation with the licensed service did not appear viable and, in the absence of an alternative site, Ofcom considered the licence was likely to be surrendered or revoked. Whilst there is loss of coverage, including in Winchester itself, and this is disappointing for services aimed at the city itself, Ofcom’s provisional view was the applicant has genuinely sought to minimise these and the reduction was acceptable.
- 3.10 In relation to policy considerations, Ofcom provisionally considered all technical requirements referred to in paragraph 2.9 above are met and, on balance having considered the matters in paragraphs 2.10 and 2.11, that it would be appropriate to exercise our discretion to vary the Winchester licence in accordance with the application.
- 3.11 In so doing, Ofcom noted it had considered coverage extensions as well as reductions. In particular, Ofcom noted that the revised technical plan involves extending coverage to a population of around 18,000, with two-thirds of these being outside the originally advertised area for the Winchester licence. Most of these are in the Eastleigh area, which is within the area advertised for the Southampton small-scale radio multiplex licence (which has been awarded but the service has not yet launched). As noted above, Ofcom seeks to avoid excessive overlaps between small-scale radio multiplexes and material extensions into localities served by existing or planned small-scale radio multiplexes. In the circumstances of this case, Ofcom’s provisional view was the overlap is not excessive. The population of the area advertised for Southampton was large at approximately 437,000 (albeit the service as launched would be unlikely to reach that level), coverage of the Winchester multiplex into that area would be relatively low, and we are satisfied that steps have been taken to minimise this through use of a directional antenna.

Consultation responses and Ofcom assessment

- 3.12 Ofcom received 14 responses to the consultation. Of these, 11 supported our preliminary view, two were opposed, and one was ambivalent.
- 3.13 We received responses from two digital sound programme services which had previously been carried on the Winchester small-scale radio multiplex service, prior to its going off air. Both supported Ofcom’s preliminary view. Winchester Radio, a C-DSP licensee, characterised the matter as a “real world choice” between a commercially viable multiplex and no multiplex. It was concerned that any subsequent re-advertisement of the licence would result in significant delay and uncertainty as to the outcome and therefore did not favour

that as an alternative. Outreach Radio Limited, a DSP licensee, welcomed the increased coverage around Chandlers Ford and Eastleigh, which it considered would improve its overall ability to serve its target community. The interests of services carried by the multiplex are matters within the policy framework set out in Part 2 of this document. Whilst only two services carried on the multiplex whilst it was on-air responded to the consultation, Ofcom noted that the fact both supported the preliminary view was relevant.

- 3.14 We received three responses from individuals (Steven Ridout and two individuals who preferred to remain anonymous) who indicated they were radio listeners in the Winchester area and who supported the preliminary view. One said it was unfortunate that some people would lose coverage but considered it preferable to complete loss of the multiplex. Another was keen to receive local DAB services again soon, mentioning Winchester Today in particular. Mr Ridout was similarly keen for the multiplex, and services carried by it, to return to the air soon.
- 3.15 A respondent that preferred to remain anonymous considered the loss of coverage in parts of Winchester to be unfortunate, but nevertheless supported the preliminary view, expressing the opinion that “every effort” had been made to locate a site and describing Ofcom’s impact assessment as “fair”.
- 3.16 Responses from Bristol Digital Radio CIC and Severnside Digital Radio CIC supported the preliminary view in similar terms to one another on the basis that flexibility was important in the context of an “evolving” economic model for small-scale radio multiplexes. MuxNet UK Limited and South Birmingham DAB Limited each likewise expressed support on the basis that allowing “reasonable flexibility” would help ensure multiplexes were sustainable. Some of the points raised by these four submissions were on approach to variations generally, rather than being expressed as specific to Winchester, and were made by stakeholders with interests in areas beyond Winchester. But Ofcom noted the support expressed for the preliminary view.
- 3.17 A C-DSP licensee and existing online service based well outside the Winchester area, Rutland and Stamford Sound CIC, did not explicitly express support or opposition to the preliminary view. It said that it supported changes “if viability is threatened” but also expressed concern over loss of coverage in part of Winchester and said the views of users of the multiplex were important. Ofcom agrees such views are important and notes the support of the two locally-based digital sound programme services referred to above in that context.
- 3.18 Two respondents – Better Media and a respondent that preferred to remain anonymous, opposed Ofcom’s preliminary view. Both expressed concerns regarding the loss of coverage in parts of Winchester, noting that the name of the city corresponded with the name of the small-scale radio multiplex service and that “islands” of additional coverage in and around Eastleigh should not be considered as relevant to offset that loss. Ofcom notes this may misunderstand its preliminary view which did not, in fact, say that the loss of coverage was acceptable in Winchester simply due to gains elsewhere. Instead, Ofcom’s preliminary view recognised the loss around Winchester was disappointing, but considered it acceptable in the overall circumstances of the case including viability and the efforts made to minimise impact. Separately, Ofcom considered whether the extension of coverage in Eastleigh may involve *excessive* overlap with the Southampton small-scale radio multiplex service, but took the view that it did not as overlap was low in the context of a much larger population in the overlapped area, and was in any event mitigated by use of a directional antenna.

- 3.19 The same respondents each argued it would be preferable to readvertise the Winchester licence, and the anonymous respondent added that “a number of alternative transmitter sites” would have been better suited than those selected by the applicant. Ofcom’s policy framework as set out in Part 2 of this document requires supporting evidence that an applicant has taken “reasonable steps” to minimise adverse impacts and investigate alternative sites, and we remain satisfied it has done so. We note that the anonymous respondent did not specify particular alternative sites, or give reasons why these would be expected to provide superior coverage whilst being consistent with sustainability (noting the liquidation of the previous licensee). In relation to re-advertisement we note that, even if it were considered an administrative priority to re-advertise immediately, this would entail significant delay in provision of a service for listeners and digital sound programme services, and uncertainty as to whether the outcome would be a service with improved coverage compared with that offered by the licence variation under consideration. We note Winchester Radio, in its response (see above), specifically opposed the alternative of re-advertisement due to the delay and uncertainty involved.
- 3.20 The same respondents also cast doubt on whether there were real benefits for digital sound programme services of a “substandard” or “sub-par” coverage, as the respondents described it. Ofcom notes these points but would refer to support expressed by such services in the Winchester area in this case.
- 3.21 Viamux agreed with Ofcom’s preliminary view, expressing the opinion that the area would otherwise remain without a small-scale radio multiplex service which would be contrary to the interests of services previously carried. Viamux said it considers Ofcom, “has a duty to vary licensed areas where it will deliver net better coverage and ensure the survival of a small-scale DAB licence”. Ofcom notes that, under section 54A of the Broadcasting Act, we have a discretion rather than a duty, albeit we propose to exercise that discretion in this case applying the framework set out in Part 2 of this document, and note Viamux’s support for doing so.
- 3.22 In relation to Ofcom’s impact assessment, Viamux considered it essential to, “consider the circumstances leading to the demise of the original licensed area”. However, Ofcom notes that the purpose of an impact assessment is to consider the impact of current proposals (in this case to vary the Winchester licence) rather than past decisions on defining advertised areas, so we do not consider the impact assessment in this case needs to reflect Viamux’s point.
- 3.23 In relation to paragraph 3.4 of the consultation, in which we said, notwithstanding that the service has ceased, “the appropriate comparison for the purposes of the assessment remains between the service as required by the existing licence (i.e. with the existing technical plan) and the proposed technical plan”, Viamux responded that the appropriate comparison is with no service at all. Ofcom notes that its consultation in fact considered the counterfactual of no service in its impact assessment but, at paragraph 3.4, we were referring to the statutory test, which refers to “the area or locality for which, before the proposed variation, the small-scale radio multiplex service is required to be available” (emphasis added). The use of the word “required” means this is clearly intended to refer to the licensed service even if, as in this case, it is off-air. So, specifically in considering the statutory test, we looked at whether the loss compared with the currently licensed service was “unacceptable”.

3.24 In its response, Viamux made a number of wider points with regard to Ofcom’s current licensing and technical policies for small-scale DAB (including criticisms of Ofcom’s approach to the extent of overlap between local and small-scale multiplexes, coverage predictions, and approach to addressing interference). It also listed some further matters it considered may be relevant to deciding variation applications, but without connecting these specifically to the situation in Winchester. Ofcom has not sought to respond to each point within this document as they do not directly pertain to the question of whether the application in relation to Winchester should or should not be approved. However, as with points raised by other respondents on wider small-scale radio multiplex policy not directly related to the decision in Winchester, we have noted them and will continue to engage with stakeholders on such ongoing matters. Ofcom also notes, in relation to additional matters that Viamux says may be relevant in future cases, that paragraph 2.11(e) in the above policy framework refers to, “Any other factors that appear relevant to the particular case”. As such, we do not rule out considering additional factors where relevant to a particular decision.

Ofcom’s reasoning and decision

3.25 Ofcom has considered the views set out in consultation responses. Most are broadly supportive of Ofcom’s preliminary view, and none provides compelling reasons to depart from it.

3.26 We have therefore decided, for the reasons set out above, to exercise our discretion under section 54A(2) of the Broadcasting Act 1996 (as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019) to approve the application from Winchester DAB Limited to vary the small-scale radio multiplex licence for Winchester so as to change the area within which the service is required to be available.

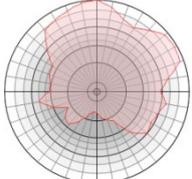
A1. The proposed change

- A1.1 The licensee is proposing use of a different transmitter site located approximately 200 metres from the currently licensed site. The proposed site is somewhat lower, so the licensee is proposing an increase in transmitter power in order to maintain coverage.
- A1.2 A summary of the currently licensed and proposed coverages is given below, together with a comparison of the coverage provided by each plan, and population counts of the adults (aged 15+) within the areas.
- A1.3 The coverage maps indicate where the small-scale radio multiplex service should be receivable on a DAB digital radio within a typical domestic building².
- A1.4 However, please note the following caveats:
- The maps are based on computer predictions rather than actual measurements, so is indicative only.
 - ‘Receivable’ is based on the defined signal level required by a receiver that meets the minimum receiver specification (available here: [Minimum specifications for DAB and DAB+ personal and domestic digital radio receivers: Digital radio action plan report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342411/Minimum_specifications_for_DAB_and_DAB_plus_personal_and_domestic_digital_radio_receivers_Digital_radio_action_plan_report.pdf), although that may not be adequate for all receivers, or in every location.
 - ‘Receivable’ is based on the defined signal level required by a receiver that meets the minimum receiver specification available [here](#)
 - ‘Receivable’ is based on a defined signal level which may not be deemed adequate by all listeners.
 - The maps do not take account of any interference from other DAB digital radio services. The likelihood of any such interference will increase as more DAB services are launched, but Ofcom will seek to reduce the impact as far as is reasonably practicable.
 - The maps do not show where reception outside homes (e.g. along roads) may be possible.

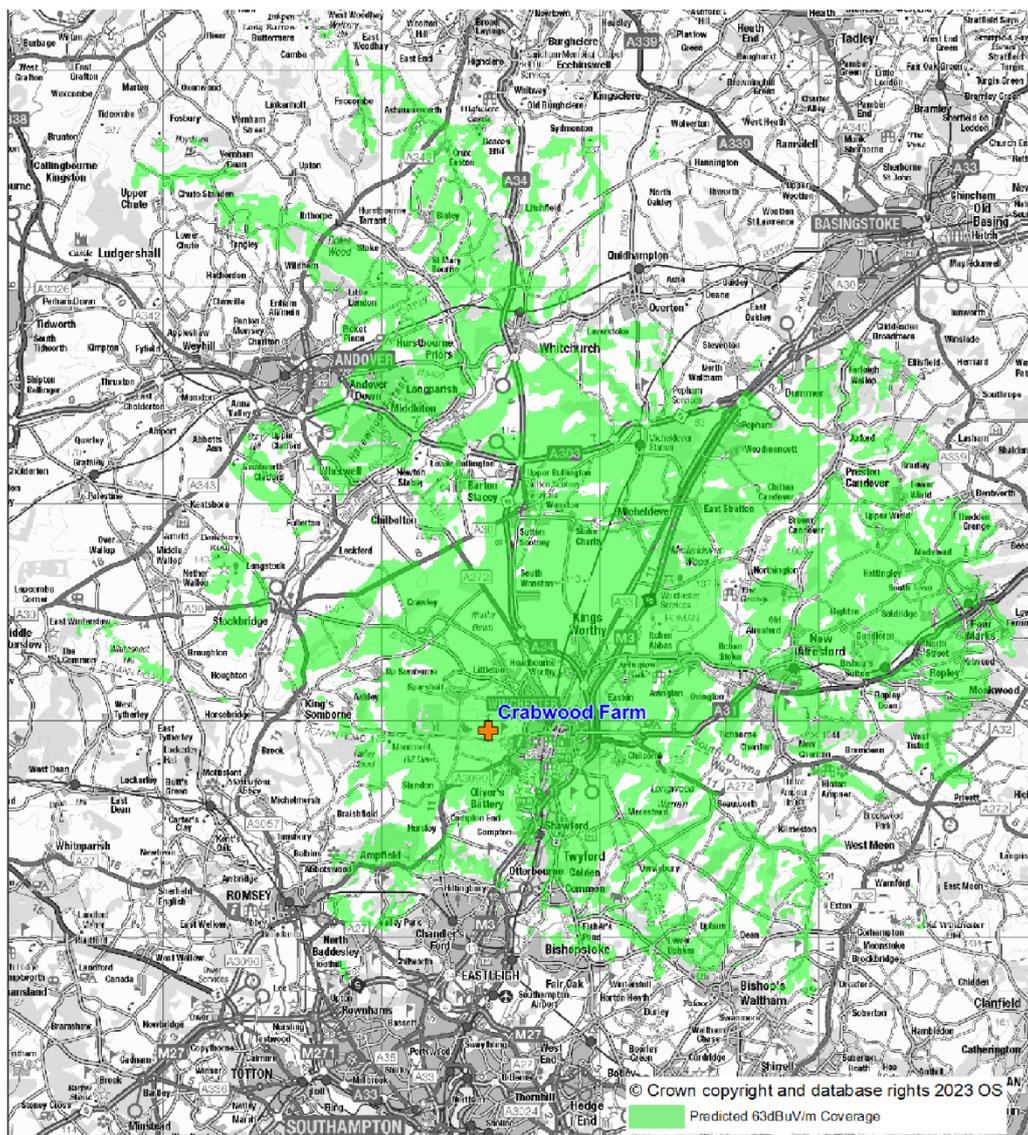
² The areas classed as served are where we predict a field strength of at least 63dBµV/m at 10m above ground level, which corresponds to providing a service at 80% location probability and 50% time availability, as set out in our [Technical policy guidance for DAB multiplex licensees \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/dab/dab_multi/dab_multi.pdf)

Coverage required by current licence

Currently licensed transmitter details

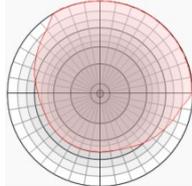
Transmitter site name	National grid reference	Site height	Power	Antenna height	Antenna pattern
Crabwood Farm	SU449295	158m	300W	40m	

Map of currently licensed coverage

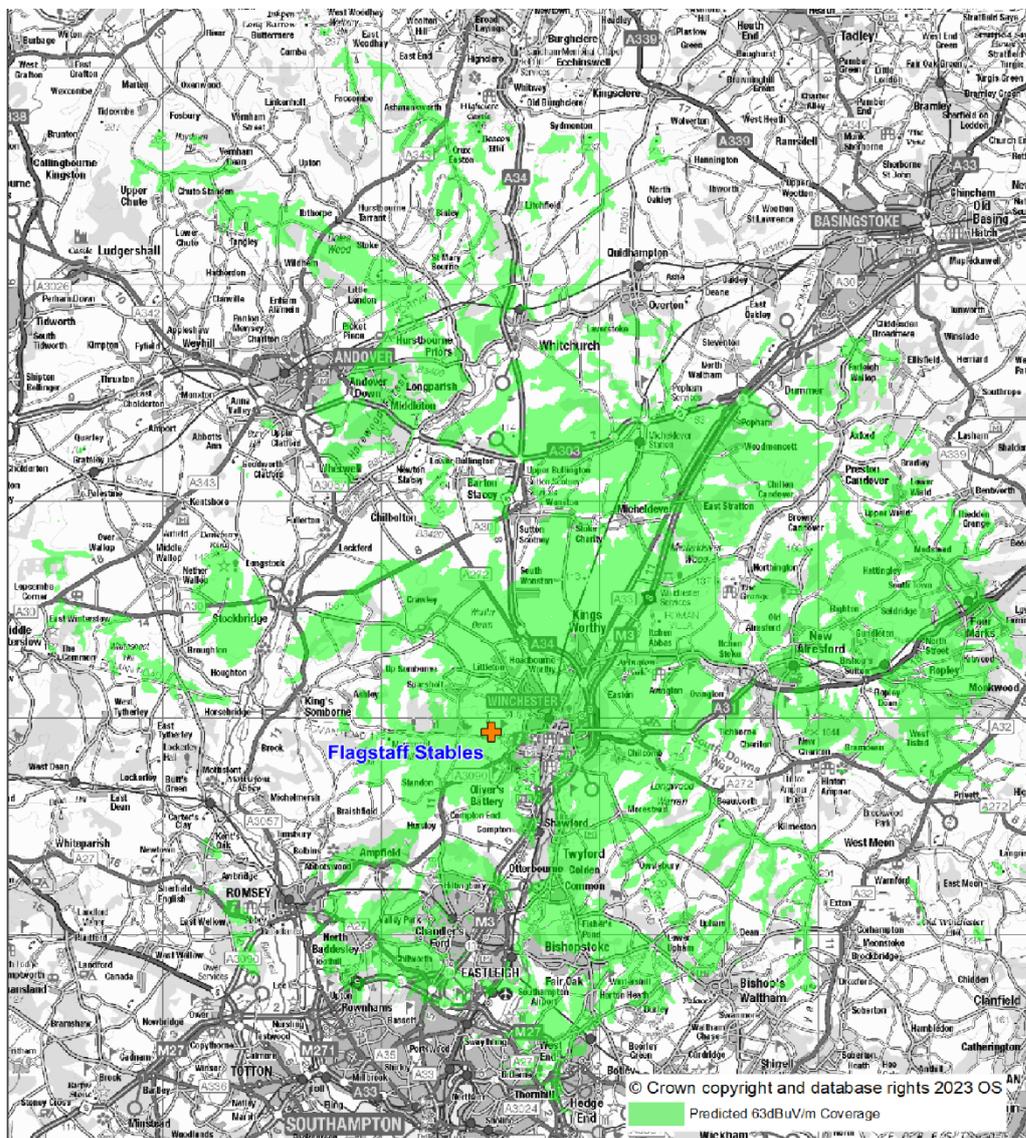


Coverage proposed by the licensee

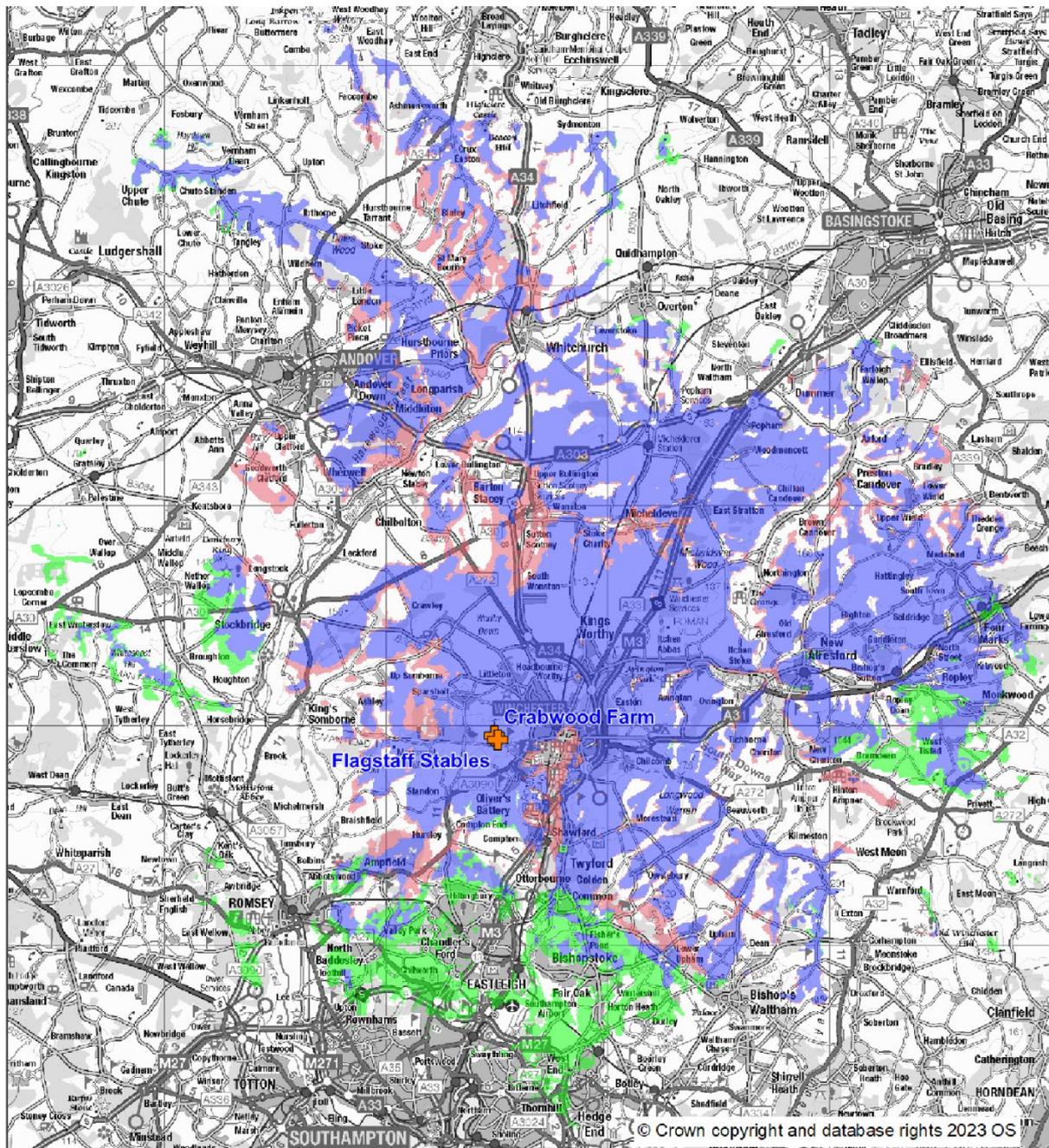
Proposed transmitter details

Site name	National grid reference	Site height	Power	Antenna height	Antenna pattern
Flagstaff stables	SU450294	150m	400W	15m	

Map of proposed coverage



Comparison of coverage



Map key:

Blue = retained coverage

Red = areas served only by currently licensed coverage

Green = areas served only by the proposed coverage plan

Coverage shown is for predicted indoor coverage (63dB μ V/m at 10m above ground level)

Coverage summary table (adults 15+)

Population served by currently licensed coverage	56,003
Population served by proposed coverage	65,729
Net population change	+9,726
Population retained (blue areas)	47,493
Population gained (green areas)	18,236
Population lost (red areas)	8,510

A2. Impact assessments

Impact assessment

- A2.1 Section 7 of the Communications Act 2003 requires that, where we are proposing to do anything for the purposes of, or in connection with, the carrying out of our functions, and it appears to us that the proposal is important, we are required to carry out and publish an assessment of the likely impact of implementing the proposal, or a statement setting out our reasons for thinking that it is unnecessary to carry out such an assessment.
- A2.2 The change will affect the small-scale multiplex service, and could affect the delivery of on-air social gain to some members of the community. Further information about specific groups who we consider could be affected can be found below.

Section 3(4) of the Communications Act 2003

- A2.3 Ofcom is required by section 3(4) of the Communications Act 2003 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, inter alia, 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.
- A2.4 As a result of our decision, there will be reduced coverage by the multiplex service, principally in parts of Winchester compared with the service currently required to be provided. The multiplex is required to provide capacity for community digital sound programme services, a characteristic of which is that they are provided for the good of members of the public or particular communities, and social gain within the locality. Commercial digital sound programme services do not have requirements in relation to social gain, but it is recognised that some have a particular community focus and in practice provide a benefit to listeners.
- A2.5 As such, if compared with what the licence currently requires, we consider this amounts to an adverse impact. However, we consider the more appropriate counterfactual is that the Winchester licence would be surrendered (and indeed it is currently not on air). With that comparator, there would be benefits for groups specified in section 3(4). Whilst the licence may be readvertised at a later date, this would result in no service being provided for a considerable period of time, and there is no guarantee a future advertisement would attract applications or achieve equivalent population coverage. Further, our decision extends coverage in some areas and overall.

Public sector equality duties

- A2.6 Ofcom is required by the Equality Act 2010 to assess the potential impact of all its functions, policies, projects and practices on the following equality groups: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.

A2.7 As set out above, community digital sound programme services in particular are intended to provide social gain and often explicitly identify equality groups as being within the community intended to benefit. As such, if compared with what the licence currently requires, we consider this would amount to an adverse impact in reducing scope to provide and receive services benefiting equality groups. However, as set out above, we consider the more appropriate counterfactual is that the Winchester licence would be surrendered. Further, our decision extends coverage in some areas and overall.