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Ideology, Bureaucracy and Aesthetics: Landscape Change and Land Reform in Northwest Scotland

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ABSTRACT

Scottish devolution and land reform were high on the political agenda with Labour's victory at the general election in 1997. In the Highlands of Scotland, where disputes over the ownership and control of land have a long history, initiatives involving the community ownership of land were gathering pace, one of which was Orbst Estate in Skye. What began as an 'experiment' in building a new community with the intention of creating a model for land reform, by 2002 had become a symbol of community opposition and heavy-handed mismanagement by bureaucrats. The conflict between local objectors and the government-funded enterprise company that bought the estate, was fought on ideological, aesthetic and bureaucratic grounds. The discourse of conflict reflected opposing understandings of the social, historical and cultural environment – values that are associated with and 'naturalised' in the landscape. Rural development is increasingly subject to rigid planning guidelines based on notions of visual landscape aesthetics and imputed historical-cultural values associated with the area's tourist industry. In the absence of strong local democratic institutions, objectors and developers arrived at an uneasy compromise after several years of dispute, through the agency of the bureaucratic planning apparatus itself. This study illustrates how the multi-faceted concept of landscape mediates cultural, social and political issues, and is continually evolving in response to aesthetic, ideological and institutional agencies.

KEYWORDS

Land reform, cultural landscapes, environmental history, Skye, Orbst

INTRODUCTION

The majority of land in rural Scotland is controlled by less than 1,500 private estates, 600 of which comprise some 50 percent of the total area. The Land Reform (Scotland) Act 2002 attempts to redress the imbalance in the control over rural land by conferring a 'community right to buy' when land comes on the market. It is widely seen as a first step to overcoming problems associated with a lack of local community control over land and as a means to increasing the public interest in land management. The aim is to create social and economic opportunities which enable rural communities to overcome high property prices, create more affordable housing, and promote the redistribution of natural resources including agricultural land, forestry and sporting rights. This paper does not concern itself directly with the details of current land reform legislation. Rather it provides evidence of the complexity inherent in some of the terms assumed by the new Act: definitions of community and the public interest are rarely straightforward in the context of Scotland's diverse rural settings.

In 1997, a government funded local enterprise company (Skye and Lochalsh Enterprise or SALE) purchased the 4,600 acre Orbst Estate in northwest Skye in order to create 12 small holdings, affordable housing and small-scale enterprises 'in keeping with the area's natural, social and cultural environments' (SALE 1999a: 2).² Five years later, when the research for this study was conducted, a legacy of bitter conflict pervaded the relationship between the local community and the enterprise company. What began as an 'experiment' in building a new community with the intention of creating a model for land reform, had become a symbol of community opposition and heavy-handed mismanagement by bureaucrats.

The controversy generated by the Orbst initiative can be seen as a struggle between various symbolic, ideological and aesthetic values associated with and 'naturalised' in the landscape (Hanssen, 2001). The concept of landscape itself must be understood in the context of social and political systems, as a physical object which is always implicated in questions of power, authority and perspective (Withers 1999). There is a general reluctance to recognise the degree to which perceptions of landscapes are inextricably moral and symbolic (Bender, 1993; Hirsch and O'Hanlon, 1995; Ellen, 1996; Hornborg, 1996). Nowhere is this more apparent than in the politics of land reform where technical and symbolic representations of the environment are conflated within ideological debate. Rural development, as promoted by officialdom, is underpinned and justified through the deployment of concepts such as sustainability, social inclusion and conservation. These serve as a shorthand for more systematic discourses on nature and society which become legitimated and embodied in the landscape through officially sanctioned land-use practices and planning policy (MacDonald, 1998). At the same time, there are different and often opposing interpretations

of how these concepts should be applied, by the people who actually live in what officialdom refers to as 'the community'.

The formation of a community identity is often mobilised by political conflict where a set of symbols form salient markers of difference between the local and outside or official world (Cohen 1985). In the case of Orbst, many of these symbols relate directly to perceptions of landscape that draw on tradition, history, aesthetics and the embodied experience of living and working in this sparsely populated, agriculturally marginal environment (Syse, 2001). What follows is an attempt to understand the conflictual process of land reform in Orbst by unraveling the political discourse associated with the landscape and its symbolic representation. Research was carried out during the summer of 2002 during what appeared to be the final phase of the Orbst Initiative with the signing of lease agreements between several small holders and SALE. Due to the fact of this ongoing process and to limitations related to fieldwork time, this paper is necessarily a preliminary account. As a case study however, it raises issues that resonate in the wider context of ongoing land reform initiatives across Scotland today.

BACKGROUND TO SKYE'S SOCIAL AND HISTORICAL LANDSCAPE

Orbst is situated in the northwest of the Isle of Skye, the largest of the Inner Hebrides. In common with adjacent areas of the West Highlands it has a 'diverse landscape character and natural scenic beauty, influenced by its Gaelic and Norse heritage, crofting, sporting and forestry activities' (SALE, 1999a). Employment is based predominantly on tourism, fishing, fish farming, forestry and crofting.³ The two largest towns (Portree and Kyle) support jobs in the service sector, defence, construction and administration. Tourism supports two out of three jobs and accounts for a larger share of GDP than all other sources put together. The socio-economic environment of Skye and Lochalsh is generally characterised as disadvantaged and marginalised due to poor employment prospects, out-migration of young adults, lack of affordable housing and poor transport between widely dispersed settlements (Pacione, 1996). During the last 30 years, an influx of outsiders or 'white settlers',⁴ and holiday home owners has added a complex social dimension to the traditional, Gaelic speaking crofting culture.

The archaeological evidence of human habitation in Skye is impressive. Mesolithic settlers almost certainly spread into the Skye area in the wake of glacial retreat 10,000 years ago. Excavations on Rhum (visible from Orbst) reveal traces of settlement going back 8,700 years and recent research has found Mesolithic blood-stone microliths on the foreshore of Orbst which are thought to have originated in Rhum (Kosikowski, pers. com.). The first farmers appear in the record at around 3500 B.C., just as the climate reached its optimum interglacial temperature and began its inexorable decline to cooler and wetter condi-

tions (Armit 1996). Their chambered cairns and standing stones are prominent reminders of an ancient human presence in the landscape of Skye.

During the first millennium A.D. a series of social and political changes involving the formation of Pictish Kingdoms (third to eighth centuries), the introduction of Christianity (sixth century) and the Viking raids (starting in the eighth century) left a wealth of monuments and place names in the landscape of Skye. The name Orbst itself is a corruption of a Norse word possibly denoting Or's farm. Dunvegan Castle near Orbst is one of several Late Medieval (twelfth–fifteenth century) monuments expressing the consolidation of the clan polity alongside religious centres such as St. Columba's cathedral in north Skye. The archaeological record of Orbst covers more than a hundred sites including hut circles from the Iron Age to villages abandoned during the nineteenth-century Clearances – the landscape is indeed a palimpsest of several thousand years of human habitation (Wildgoose, 1998).

For the purposes of this paper, the Clearances mark the most important turning point in the landscape of Orbst. By the early nineteenth century, the transformation of the communal clan society and its characteristic land tenure system into a system of private land ownership controlled by lairds was complete (Dixon 1994). The failure of the Jacobite Rebellion in 1745 and the ensuing decades of military repression led inevitably to a fundamental change in the relationship between the clan chief and the people to one of landlord–tenant which characterised the Highland's incorporation into the British capitalist system. During the following 150 years, Highland land use was usurped by self-styled improvers, factors, tacksmen and agents whose aim was to extract the maximum profit from the land in the interests of themselves and the lairds (Boyd, 1999). A large peasant population, confined to small areas of marginal land, were subject to the fluctuating economies of the kelp industry, the success or failure of their subsistence potato crops and finally, removal and deportation by landlords. Poverty, hunger and the uncertainty inherent in the landlord–tenant relationship led to mass emigration. What became known as the Highland Clearances reached a crescendo during the mid-nineteenth century with the forced removal of entire communities in order to make way for lowland sheep farmers who paid vastly increased rents to estate owners.

Population decline continued even after the Crofting Act of 1886, when peasant farmers were given security of tenure, the right to fair rents and compensation for permanent improvements. A more or less steady population decline occurred from a high of over 28,000 in 1851 to less than 8,000 in 1971. Hence, the present population of Skye and Lochalsh (12,150) is less than half that of the level in the mid-nineteenth century (Highland Council, 1999). At the time of SALE's acquisition, there were only a dozen permanent residents in Orbst. Mention of the fact that, in the mid-nineteenth century, Orbst had a population of 120 people scattered across several now abandoned coastal settlements surfaced many times during the initial phases of the Orbst Initiative. Whether

or not this had any relevance to contemporary social and economic conditions of Skye was fiercely contested by local residents opposed to the Orbst plan.

Orbst's 'big house', built initially for a tacksman or agent of the laird in the mid-eighteenth century, was enlarged during the early Georgian period with a grand Regency east wing added in 1835 with further additions carried out during the Victorian era. It became a hotel for a time during the 1930s and remains a guesthouse catering for tourists while doubling as a family residence. A painting of Orbst from the mid-nineteenth century depicts the house, steading, walled garden and neatly laid out fields bordered by rows of young trees from the vantage point which today is covered in a dense block of mature mixed-conifer woodlands. Apart from this, little appears to have changed during the last 150 years. The landscape outside the immediate estate policies of Orbst is similarly treeless now as it was then. A map dated 1863 shows a nine-hole golf course adjacent to the house which was then described as standing 'on a splendid site, finely sheltered from the northern blasts by a series of wooded craggy knolls, with a fine seaward view' (Ferguson 1885). Amenity tree planting around the 'big houses' in Skye became popular in the 1790s: many of those depicted in the painting from 1850 were subsequently destroyed during a great storm in the early 1920s (Swire 1961). Orbst house is now surrounded by mature sycamore and there are many more scattered trees in the vicinity of the steading and garden. The western fields appear to be overrun with rushes, bracken and gorse today as a result of neglect. A late-nineteenth-century photo of an inhabited thatched cottage not far from Orbst house reveals no change in the surrounding vegetation between then and today. Electricity pylons, wire fences and a slightly widened dirt road are evidence of recent improvements, while the blackhouse is now derelict along with its surrounding drystone field walls.

Aerial photographs of Orbst spanning 1946, 1958 and 1988⁵ show little environmental change apart from the plantations to the north of Orbst house and around Varkasaig Bay. Extensive pre-clearance field systems are visible in 1946 and 1958 but by the late 1980s these had been obscured by conifer plantations, which are perhaps the most intrusive and damaging environmental development to have taken place here since the mid-nineteenth century. Little if any mention was made of this in the context of the Orbst Initiative. The most striking change, apart from the clear felling of the mature conifer plantations, is the addition of a substantial farmhouse to the west of Orbst, a two-storey house in the field to the southwest and a modern bungalow to the northeast. At the time of the sale of Orbst estate in 1997, the 'big house' had been sold off, the previous owners had built a new house in an adjacent field and two further properties had been separated from the larger estate. The farmer occupied a large traditional farmhouse and his brother occupied a modern bungalow at the lower edge of the arable ground. Orbst was considered by many local residents to be one of the few viable working farms left on Skye.

The community surrounding Orbst is comprised predominantly of crofting townships – dispersed settlements created during and after the Crofting Reforms of the 1880s which gave tenants security over small plots of arable land and extensive common grazings. During the twentieth century, these crofts were typically inherited by family members who worked the land as a supplement to other sources of income. With the passing of the Crofting Reform Act of 1976, crofters obtained the right to buy (and sell) their croft houses, opening the way for an influx of people seeking retirement and holiday homes.⁶ This, combined with the steady decline in agricultural incomes and the growing opportunities afforded by tourism, has led to the inexorable decline in crofting as a viable livelihood. Today, much of the croft land in the area is underused and many croft houses have been alienated from the land. Local perception blames the present housing shortage, especially for young adults wishing to remain in the area, on the 'privatisation' of croft houses, planning restrictions and high market costs of land (Shucksmith et al., 1996). This apparent 'land shortage' is due to the fact that most of the land is controlled either by large estate owners (who rarely sub-divide land for housing plots) or fall under crofting tenure (with its own restrictions on alienating land to non-crofters). Continuing to stay in the parental home, living in a caravan or waiting for an available council house are the only housing opportunities open to many of Skye's youth. These conditions exist in an area where there are vast tracts of uninhabited land.

Prior to the sale of Orbst, change in Orbst's environment had come about incrementally and was controlled by the people who lived there – four house owners and the farmer's family. During the five years following the purchase of Orbst by SALE, plans for building a new community in the midst of an old one created conflicts over who should control the scale, form and pace of change. How should the dwellings of a new community be contained within the landscape? Perceptions of landscape change became a cipher for changing social relations. The way people dwell in the landscape – who lives where and why – became a contentious point of conflict between the local community and SALE.

A LANDSCAPE OF CULTURAL SYMBOLS AND HISTORICAL INJUSTICES

Orbst Estate was bought by SALE in 1997 only six months after a Labour government came to power on a platform of devolution and land reform in Scotland. Several high profile cases involving community buy-outs of crofting estates (Assynt, Borve and Annishader), private estates (Eigg, Knoydart), community woodlands (Laggan, Abriachan) and partnerships between conservation groups and local communities (Strathaird, Sandwood) were completed or in the process of completion around this time. A new Community Land Unit (CLU)

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had just been established by Highlands and Islands Enterprise (HIE) and the Scottish Office commissioned a Land Reform Policy Group to consult on a range of measures which would lead to the drafting of the Land Reform Bill, and legislation reforming crofting and agricultural tenancies. The atmosphere was ripe for new initiatives.

In September 1997 Orbost estate was advertised by Savills International Property Consultants as one of the largest freehold properties on Skye, farmed as a hill sheep unit with 1,200 ewes and a suckler herd of 45 cows. The glossy sale brochure included panoramic colour photos from the sea and the air to illustrate the descriptive prose: 'All along the coastline are natural arches and caves. The ruins of the former village of Idgrill still remain [...] but it is Macleod's Tables and Macleod's Maidens for which the area is well known' (Savills, 1997). The legends attached to the Tables and Maidens have been part and parcel of Skye tourism since the nineteenth century repeated with variations and permutations in innumerable guide books and travelogues of the Island. These landscape features were referred to many times during the initial phase of the Orbost Initiative, as if to draw on a symbolic transcendent, timeless presence, so it is worth introducing their 'short-hand' brochure description:

The largest of the Macleod's Tables is Healabhal Bheag at 488m with its peculiar flat summit dominating the skyline. Legend goes that to prove the superiority of his banqueting hall, a MacLeod Chief hosted a feast on Healabhal Bheag with its flat summit as his table, a starry sky as his ceiling and clansmen with flaming torches as his candelabra. [...] A spectacular coastal walk leads to the highest sea stack on Skye, the Mother Maiden which rises 63m out of the sea below the cliffs of Idrigill Point. Adjacent to the Mother Maiden which was first ascended in 1959 rise two daughter maidens.

The text continues to describe 'a deep water sea bay providing a safe anchorage for yachts', 'a black sandy beach from which to swim' and abundant wildlife including otters and sea eagles. The dwellings on the property consisted of two rather large but ordinary cottages.

Some idea of the marginality of the land can be gleaned from its classification as a Less Favoured Area qualifying for the Severely Disadvantaged rate of Hill Livestock Compensatory Allowances. However, the 4,400 acres of rough grazing coupled with 200 acres of sheltered inbye land, 35 acres of arable meadow and a large lambing shed made this a relatively viable hill-farming unit.

Possibly due to several factors including the controversy caused by the recent sales of other Highland estates, the publication of *Who Owns Scotland* (Wightman 1996) which exposed the extreme inequality in Scottish land ownership, and the radical political climate, several papers reported the prospective sale of Orbost. The Glasgow Herald mentioned that it was being sold by 'two Gaelic speaking brothers', and extolled its landscape, including 'four-and-a-half miles of stunning coastline', the Maidens and another legend about Macleod's Tables:

a long distant Macleod chief refused to entertain St Columba as he was touring the Highlands converting the heathen natives to Christianity. The saint called in a supernatural force which flattened the top of Healabhal Beag as a table for dining, and gave him a bed on the also flattened nearby Healabhal Mor (*The Glasgow Herald*, 19 September 1997).

It concludes with the remark that '(t)he estate is in the heart of MacLeod clan country, with the chief's residence at Dunvegan Castle, with its famous 'fairy flag' being nearby'. From the beginning, the sale of Orbost invoked a discourse of magic, legend and myth associated with its landscape as potent symbolic assets. That this recourse to folk-lore and legend was extensively deployed in the context of the sale of a Highland estate, illustrates the persistence of power relations in society which echo from a distant past when clan chiefs and later 'lairds' held sway (Porter, 1998).

Dr. James Hunter, a historian noted for his advocacy in relation to crofters' affairs (Hunter, 1976) and whose involvement in the establishment of the Crofter's Union during the 1980s was instrumental in raising public awareness of crofting history and contemporary crofting issues, held the position of Chairman of the local enterprise company in 1997. Under his leadership, SALE expressed its interest in buying Orbost soon after it came on the open market.

Before purchasing the estate, SALE organised a public meeting in nearby Dunvegan to assess local reaction to the idea. They justified their plan on the basis of 'a large and unsatisfied demand for crofts, smallholdings and homes on the Isle of Skye' (*Glasgow Herald*, 27 September 1997). SALE promised to create up to 12 smallholdings at Orbost and make them available to local youth at affordable prices. While there were a few voices of sceptical dissent, the meeting was deemed to support the initiative on a show of hands.

Within a month, SALE had bought Orbost for £511,000.⁷ One of its first press releases drew on the historical injustice of the nineteenth century Clearances as a moral justification for the initiative. 'A hundred years ago Orbost had a population of 120 and ruins seen there today are a reminder that these were not just homes but a sense of identity and purpose. With the support of the community, we can start to create a new sense of purpose and life.' (Dr. J. Hunter, quoted in *West Highland Free Press*, 7 November 1997). Some insight into Dr. Hunter's statement can be gleaned from his account of the Orbost acquisition in his book *The Last of the Free* (1999). He quotes the testimony of a local crofter who gave evidence to the Napier Commission in 1884. It contains the story of a life of eviction and removal from one settlement to another in the area of Dunvegan. Five of the seven townships which he mentions that were 'laid waste or depopulated' were within the boundaries of the modern Orbost Estate.

Hunter describes his role in the purchase of Orbost and his perusal of the Estate on the winter solstice of 1997. He evokes the past made visible in the landscape '[...] when the sun is at its lowest and when the remnants of both the former buildings and of former cultivation are, because of the lengthy shadows

they then cast, relatively easy to spot'. 'Generation followed generation here from Neolithic times', and would have undoubtedly continued were it not for the calamitous events which were to culminate in the demise of the communities 'terminated by a few the strokes of some nineteenth-century landlord's pen'. 'On the shortest day of 1997, I sat on the hillside above Idrigill – the stone walls of its former homes catching the light of a curiously springlike morning – and thought about this community's end' (Hunter, 1999: 270). The symbolism contained in this compressed account of the past, its long shadows cast upon the landscape during the shortest (springlike) day of the year and his implicit hope for the future are obvious enough. The social and political history of Skye would play a significant role in the discourse to emerge in the coming years around Orbost.

A second meeting was held in Dunvegan in early December, attended by more than 60 members of the community and addressed by four men in suits comprising the District Councillor and three senior bureaucrats from SALE and HIE who were responsible for managing and funding the Orbost project. It took place in a community hall festooned with Christmas decorations, balloons and a cartoon Santa complete with reindeer and sleigh. The community in attendance were largely middle-aged men and women, several of whom were from Orbost itself or its immediate neighbourhood, though the majority were from the nearby village of Dunvegan and surrounding crofting townships. Like other parts of Skye, the community consists of people with family ties to the land and incomers, in roughly equal measure. It would be possible to identify other groups which cut across the categories of local and incomer (landlord, crofter, entrepreneur, pensioner, artist, hippie) but none of these emerged as important markers of social division within the community during the Orbost Initiative.

Dr. Hunter, who chaired the meeting, claimed that the idea to buy Orbost came from within the local community and was bought 'on behalf of the community' with the approval expressed in the first meeting. 'What we have here in Orbost is the opportunity to [...] recreate one of the many communities in the Highlands and Islands which were destroyed and swept away in the last century.' He made what he thought was a tongue-in-cheek analogy between Highland landlords and SALE, now that the enterprise company was the owner of an estate, by quoting an article in the *Scottish Field Magazine*, published when Orbost had first come on the market:

'One of the great attractions about Scotland is that it is the last place on earth where a rich man can buy a large chunk of wilderness to act out his dreams of owning a kingdom as well as enjoying a wide diversity of sport.' It goes on to say that 'you don't need to be seriously rich to take advantage of this situation in the Highlands. Many people like the idea of finding a remote property to commune with their thoughts amidst spectacular scenery [...] Just such a property is on offer in a place called Orbost on Skye. So don't delay, get there fast – it won't cost much more than a small house in Fulham.'

Of course, Hunter's real message was that rather than a wealthy individual owning a kingdom and communing with himself amidst spectacular scenery, the rightful owners of Orbost, the community itself, would control the land and bring it to life.

The parallels between SALE and the stereotypical class of landlords which the *Field* article evoked would become uncomfortably apparent during the course of the meeting. Several speakers were clearly in opposition to the purchase of estate. When specific proposals relating to housing, selection criteria, and land-related developments were discussed, the recourse to landscape symbolism and legends gave way to more practical concerns. The chairman of the Dunvegan community council said: 'This is one of the maddest things we have ever heard of in this community and a shocking waste of money. It is on a hiding to nothing.' He suggested putting Orbost back on the market and that it should remain a single farming unit. Several speakers clearly objected to the idea of creating another community rather than support the existing one 'which will also die'. The issue of whether or not Orbost was suitable for smallholders in the first place was aired. A question from the floor raised the issue of the public's right of access to the Maidens. Another suggested that the area's 'wilderness' would be harmed by increased public access. The most outspoken opposition came from several residents on private, non-estate properties in Orbost. In response to this barrage of criticism, the officials sought to assure the community that the whole point of the initiative was 'for wider community benefit', 'under local control'. The meeting closed with a plea from Dr. Hunter for 'ideas, dreams, suggestions' and a promise that future developments would depend on close consultation with the community. The meeting could be characterised by its failure to deal with specifics – it had the trappings of a public relations exercise.

Several promises were made by SALE during this early phase in the project which would come to haunt them during the following five years of community opposition and disillusionment with the Orbost Initiative. 'The primary objective is to provide more employment and housing opportunities for local people.[...] Our intention is not to be a long-term landlord but to develop the estate and, in the medium term, to get back as much of the acquisition price as we can.' (John Watt, Head of CLU, quoted in *West Highland Free Press*, 7 November 1997). A local advisory committee would be established to look into the feasibility of developing a camping site, a field centre, golf course, bunk house and other projects. The idea that this was a 'valuable experiment in how to organise land in localities like this and to promote the sort of development that many of us would like to see made rather easier for people to have housing and other opportunities' was reiterated many times by the officials involved (J. Hunter quoted from G. Kosikowski's video of Dunvegan community meeting, 9 December 1997).

During the following five years the experiment provided many lessons about both how and how *not* to organise land. Describing the chronological detail of

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this development process is beyond the scope of this paper. However, several issues pertaining to perceptions of landscape played a significant part in negotiations between the various stakeholders. These perceptions were often implicit in attitudes to change but after SALE's acquisition of the estate, these were rarely expressed in the cultural symbolism cited above. Instead, perceptions of what constituted appropriate and sustainable landscape change concerned a negotiated balance of economic practicalities, aesthetics, conservation, class interests and the issue of community versus bureaucratic control. As a social experiment in land reform Orbst provides lessons related to the creation of new settlement patterns, housing design, the selection criteria for members of a new community and land use. It also highlights the ways in which communities mobilise in response to outside interventions.

THE POLITICS OF LANDSCAPE CHANGE

Within six months of SALE's purchase of the estate, the Orbst Advisory Committee was established in order to create links between the local community and HIE/ SALE. The committee was made up of representatives from the Dunvegan Community Council, the Dunvegan Community Trust, the Scottish Crofters Union and the Orbst Residents Group. Soon after, a participatory study was commissioned by SALE to explore potential opportunities and make recommendations for Orbst's development, which held meetings, open days and focus groups over the next several months (University of Aberdeen, 1998).

The criteria necessary to become a smallholder at Orbst exercised much public debate during the first few years of the Initiative. SALE's major objective was to satisfy the high demand for affordable housing to locals wishing to create viable businesses in association with the land. In theory, this was hardly contentious. The waiting list for council housing in the Dunvegan area had 63 applicants in 1997 but in practice many of these lived outwith the area or were not interested in meeting the selection criteria for smallholders. SALE did eventually adopt a policy which gave a weighing in favour of applicants from north Skye, although this was later reformulated as a requirement for 'experience and commitment to living and working in a remote rural area' (SALE, 2002). In the end, SALE's premise that there was an overwhelming demand for places at Orbst proved unfounded. Whether or not this was a direct result of the controversy surrounding the project remains an open question.

Controversy over who should gain access to smallholdings at Orbst was first raised by the existing Orbst residents who objected to the proposed 'sub-urbanisation' of their environment and the creation of a 'new community' in their midst. This was sometimes portrayed as an ideological opposition between the rights to privacy and seclusion of existing residents and the public interest in providing new housing and employment opportunities. A compromise was

promoted by the Orbst Advisory Group who wanted to give landless families in Dunvegan access to Orbst's smallholdings without necessarily having to build new houses or to move onto the land itself. The failure to persuade SALE of the merits of this plan was one of the main reasons for the disbanding of the Advisory Group in 2000.

Lairds, Crofters and the Creation of a New Community

A handful of estate owners in north Skye, their managers and farm tenants expressed some of the most vociferous opposition to the project. In part, such views were a response to the wider land reform agenda which threatens landed interests on a range of issues including government intervention in the open property market, public rights of access to land and crofting reform. Not only was the status of landowners' power being challenged legally, but their symbolic, cultural status as custodians of the natural heritage, as the managers and 'improvers' of the landscape was in question (Samuel, 2000). A statement made by the factor for Dunvegan Castle is typical of this opposition:

Quite frankly, I am at a loss as to how the Government can indulge individuals like Dr. James Hunter and provide him with a cheque book and pen (as chairman of SALE) so he can experiment, like a philanthropist, and indulge his own fantasies with somebody else's money (ours, the tax-payers of Scotland) to purchase a well-run farm which could then be broken down into smaller non-viable units (*Glasgow Herald*, 4 December 1998).

The ideological friction between crofters and lairds, which has a long history in Skye, found new expression in the Orbst debate, where landed interests continued to defend a deeply embedded narrative bound up with the legitimacy of a particular view of nature and society. With the waning of landowners' economic power during the twentieth century, they have increasingly relied on historically resonant interpretations of their role as custodians of the natural heritage, on an imputed reputation for competence and respectability, contextualised by a centuries old form of land management (Samuel 2000). This perspective was voiced in public meetings and letters to local newspapers calling for SALE to either put Orbst back on the open market or at the very least to retain its integrity as a single agricultural unit. On the other hand, attitudes of suspicion about landlords were directed at SALE itself. The Orbst Advisory Committee resigned in protest over what they saw as a lack of accountability from SALE and a failure to take local opinion into account during the planning phase of the development – classic accusations levelled against 'traditional' landlords.

It was not even as if the Orbst Initiative was so experimental or new to Skye: many of the crofting estates in the immediate vicinity of Orbst were created in a similar way following the 1886 Crofting Acts. During the early decades of the twentieth century the government purchased land and created several hundred

new crofting tenancies in adjoining and nearby estates in north Skye. Glendale Estate (20,000 acres), where one of the most famous instances of resistance to the power of landlords occurred in the 1880s, was purchased in 1904 by the Congested Districts Board. The existing 147 crofters were given the opportunity to purchase their crofts and extensive grazing lands which were used by the crofters as a club farm in 1908. The profits from the club farm helped to pay off the purchase annuity. (Macpherson 2001). A similar exercise was carried out in Kilmuir, which consisted of 45,000 acres with 450 crofters, in 1904. In 1920, the Board of Agriculture for Scotland bought 60,000 acres from MacLeod of MacLeod which allowed the creation of 142 new holdings and the expansion of 75 more. As the sheep farm leases of Drynoch and North Talisker estates expired, settlement schemes were introduced. In North Talisker, 68 tenant holdings were created and settled largely by migrants from Lewis and Harris. (Cameron, 1996). During the 1920s, twenty-two new holdings and 66 expansions were created on the Watnish estate. The 16,000 acre farm of Scorrybreck, described as 'one of the best sheep farms in Scotland', and Claigan, adjacent to Dunvegan, were broken up into new croft holdings as a result of the Land Settlement (Scotland) Act of 1919 (Cameron, 1996: 182).

Local opinion was well aware of the many antecedents to the Orbst experiment and saw nothing new or radical about it. Many considered that what might have been appropriate in the early twentieth century did not necessarily serve as a model for contemporary development. The crofting system was seen by many residents in the area as a failure, insofar as it could no longer provide either livelihoods or housing for a growing population. They questioned the sustainability of the project saying that smallholdings would not provide viable incomes to prospective tenants. The moribund state of many crofts in the area seemed to bear testament to this fear. It is a debate with a long pedigree stretching back to the crofting reforms of the 1880s. Now, as then, it is argued that the crofter's (or smallholder's) profound and complex attitude to land has a symbolic importance: 'it affords the opportunity to pursue other economic activities, and it accords status; but is not so important, or desired so much, for the purpose of carrying out specific agricultural tasks' (Cameron, 1996: 200). SALE's acceptance of this principle was apparent from the beginning.

In the teeth of concerted local opposition, SALE opted for a form of tenancy very similar to crofting, as the fulfilment of an ideological position which had motivated Dr. Hunter and the purchase of Orbst by SALE in the first place. The preferred option of establishing new crofts was ruled out by legislation enacted during the 1970s. SALE's response was to create a not-for-profit community trust (the Orbst Trust), a company limited by guarantee, controlled by five directors elected from members of the Orbst community (defined geographically to include existing residents and smallholders) in line with the Land Reform (Scotland) Act 2002. Smallholders will enter into 30 year limited partnership agreements and have the right to buy a house site for a nominal amount (£2000)

subject to planning permission. The extraordinary opportunity this provides for six smallholders is beyond doubt: they stand to gain control over an exceptional asset which will have cost the tax-payer almost £2 million.⁸ This has come about in a political climate which is increasingly favourable to social ownership of land (Macmillan 2000) supported by numerous government agencies including HIE's Community Land Unit. It is likely that once the legal complexities surrounding the setting up of the Orbost Trust have been overcome, HIE and its manager SALE, will wish to distance themselves from the project and give outright ownership to the Trust itself, leaving the smallholders in control of the estate's future (A. Prendergast, SALE pers. comm.).

Dwelling in the Landscape: Community Consultation and Planning

Probably the single most important issue in the Orbost conflict revolved around housing and settlement patterns. SALE's initial plan was to convert most of the arable land into 12 or more crofts, with dwellings to be built by housing associations or private builders with the aim of creating a community of over 100 people in the early twenty-first century (Hunter, 1997). During the Orbost Study consultation, the general view was that housing should be scattered across the estate, in keeping with the surrounding crofting townships. The Orbost Study Report (University of Aberdeen 1998) however recommended nucleated settlement, separate from individual smallholdings. Three to five houses would be erected initially, 'allowing the community to become established and to grow organically by gradually adding more later' (ibid.: 53). In a later response to criticisms of the nucleated settlement plan, SALE called on historical precedents:

Although this scattered pattern is often now considered to be 'traditional' in crofting areas, it should be borne in mind that historically it is in fact a fairly recent development, and that prior to the 1840s the majority of crofters lived in traditional 'clachans', nucleated settlements such as the ruins at Brandarsaig and Idrigill⁹. [...] it reduces rather than exacerbates the impact of development on the landscape and it prevents the erosion of agricultural holdings through house building, sub-division and under-use (SALE, 2000: 6).

This rationale fails to take account of the very different cultural, economic and political conditions which created and maintained the clachans prior to the nineteenth century. It draws on a spurious 'tradition' to justify a housing policy, the main purpose of which is to prevent houses being alienated from the land. 'The best way to prevent the sale of these houses to holiday or second homeowners probably lies in their design and location as part of a working and living community' (SALE, 1999b: 4), presumably because they would be less attractive to such potential buyers. A further suggestion that house sites should not be allowed on smallholdings was justified on the basis that it would be easier to reallocate land should smallholders wish to quit the scheme and 'prevent the

sub-division of holdings into glorified house plots'. In the event that smallholders were given the opportunity to convert their land into crofts (giving them protected tenure under Crofting legislation) they would be required to waive the crofter's Right to Buy.

Meanwhile, meetings between the Orbst Advisory Committee and SALE were becoming increasingly fractious. Local opinion was apprehensive that a new community made up of 'outsiders' living in a concentrated housing estate would completely alter the social and environmental character of the area. During the first three years of the Initiative, several prospective smallholders took up residence in the farmhouse and left again in frustration at the delays in granting leases. A family living in the shepherd's bungalow were in the process of being evicted by SALE.¹⁰ Several residents of Orbst who lived in private houses became increasingly outspoken about the ineptitude of SALE's estate management, lack of consultation and slow progress. In July 2000, the Orbst Advisory Committee resigned in protest over what they claimed was HIE and SALE's failure to acknowledge their concerns over the scale and direction of the development. Local community groups who had thought that the wider community would have an important role to play in developing Orbst came to realise that the estate was bought for a community yet to exist. At the time, the Chief Executive Officer of SALE, Robert Muir¹¹ made this rather revealing statement:

We could have sat down with them and said 'Here is what we are going to do' [...] But what we did instead was to engage in a lot of consultation and what-ifs and let the thing develop organically. I think by us not clearing off and saying this is actually what we are going to do, we really created more of a problem for ourselves because a lot of tension developed between the local advisory group and HIE (*Aberdeen Press and Journal*, 12 July 2000: 1).

Robert Muir's statement reveals an autocratic attitude behind the usual polished politically correct rhetoric. This strengthened the local perception that SALE was unaccountable and ultimately unable to enter into a real process of participation with the local community.

Ultimately, the future shape of the Orbst Initiative was defined by the Highland Regional Council Planning Committee, who despite the community's overwhelming rejection of the plan, gave it approval after several revisions. By this time it was a very different sort of plan than that originally envisaged. Smallholder occupancy would be limited to six. Two semi-detached houses would be built by the Skye and Lochalsh Housing Association along with two semi-detached workshops next to the farm buildings and walled garden complex of the old Orbst House and let at affordable rents. These would be reserved exclusively for Orbst smallholders who could demonstrate that they had viable business proposals, and who were already employed or self-employed.

The first application for outline planning permission to build on one of the six smallholdings was submitted in August 2001. The site of this house had originally been ruled out for development because it did not conform with SALE's nucleated model, it presented access difficulties, and was close to an archaeological site. An expert archaeological assessment of the site recommended against granting planning permission because 'the proposed house site impinges directly on the deserted settlement of Biggeary and will greatly reduce the feeling of abandonment and loss that surrounds the site'.¹² Again, the spectre of Orbst's tragic past, embedded in the landscape, is raised as a rationale against change. It should be remembered that the exact opposite rationale was used by Dr. Hunter and SALE to justify the Orbst Initiative in the first place. Permission was granted in spite of this and three other local objections, subject to several recommendations, many relating directly to issues of landscape and visual amenity. It was noted that the site is 'well contained in the landscape', but required further tree planting and landscaping, natural stone and slate as outside materials and the underground burying of electric supplies. The political background to this decision can be gleaned from the planner's recommendations which stated that permission was 'only granted in view of the desirability of encouraging the experiment in sustainable rural development at Orbst' (Area Planning, 2001).

Conservation, Local Plans, Tourism and Landscape Aesthetics

SALE endorsed several grant-led initiatives promoting biodiversity, reinstating 'traditional' organic farming practises, protecting archaeological sites, restoring native woodlands and enhancing access for tourists. Changes and even total reversals of conservation, agricultural and forestry policies over the last 50 years are embedded in Orbst's landscape. But unlike many other parts of the Highlands where conservation policies create diverse disputes and coalitions between estate owners, crofters, the government and conservation agencies, the conflict generated by the Orbst Initiative was not concerned with land use and conservation *per se* (Chenevix-Trench and Philip, 2001).

In response to SALE's proposals, Planning officers arrived at recommendations based on what they believed was a balance between the interests of development (as promoted by HIE and SALE) and local opinion (which objected to the creation of a 'new' community). These seemingly competing interests were mediated by the area's Local Plan, a set of detailed guidelines published by the Highland Council for each District. In many cases such plans have come about as part of a so-called 'Planning for Real' exercise which purports to involve local participation in the creation of the plan. In practice, this has much in common with participatory development procedures commonly employed by donors across the developing world and can be critiqued on much the same basis.

The main objective of the local plan is to 'identify the most appropriate uses for land' and is applied through policies which are 'governed by changes in population and housing, changes in the economy and transportation, changes in services and facilities and wider obligations now incumbent on the Council in respect of heritage and the environment' (Highland Council, 1999:1). Conservation policies related to the visual amenity of the landscape also play a crucial role in Skye's development planning, especially in relation to tourism where the romantic and legendary are intertwined with the landscape through notions of history, identity and culture (Macdonald, 1997). The maintenance of a feeling of open, untouched 'wilderness' and the recreation of 'native' woodlands in Orbst are the latest expression of this trend. All local plans must indicate 'measures for the conservation of the natural beauty and amenity of each area' through designation or preservation orders, promoting 'good quality' design, the restoration of spoiled landscapes and by 'the enhancement and interpretation of landscape features' (Highland Council, 1999:1).

In order to categorise landscapes for these purposes, a detailed landscape character assessment report was completed by Scottish Natural Heritage (SNH)¹³ in 1996 which identified 16 landscape character types in Skye and Lochalsh District (Stanton, 1996). The introduction to this document includes many photographs of the Skye and Lochalsh landscape accompanied by quotes from authors as diverse as Neil Gunn, Sir Walter Scott, Gavin Maxwell, Sorley MacLean, John Muir, Graeme Robertson, Wordsworth and Thomas Pennant. These describe Skye in terms of romantic 'intoxication', 'unusual magnetism' 'sweet with a hundred upland odours of wild flowers', 'a concourse of summits, of knolls of hills coming on with a fearsome roaring', 'clouds, mists, streams, watery rocks and emerald turf', 'where every sense is appealed to'. This romantic vision is countered only once with Samuel Johnson's famous remark about 'the toilsome drudgery of wandering on Skye' (Stanton 1996.).

Stanton's report classifies the landscape of Orbst as 'Stepped Moorland' with a pocket of 'Rural Estate Settlement' to the immediate south, 'Scattered Crofting' to the southeast and areas of 'Coniferous Woodland Plantation' to the south and west. Stepped moorland is described in terms of aesthetics where the 'rhythm of steps within this character type creates visual movement and a 'flow' to the landform, '*repetition*' suggesting visual predictability and reassurance'. Rural estate settlement, also assessed on visual criteria which clearly has ideological overtones is described as: 'typically centred around a large house which occupies a prominent location within the landscape, forming a focal point, and conveying a historical image [portraying] a *positive image of human impact*' (Stanton 1996: 152, italics added). This opinion is certainly not shared by many crofters in the Dunvegan area, or for that matter, the instigators of the Orbst Initiative. The connotations associated with 'Scattered Crofting' are equally value laden: 'the visual composition of this landscape is very confusing, with no discern-

ible hierarchy or pattern of elements [...]. These areas can sometimes portray a negative image of abandonment' due to increasing extensive grazing management, reduced cropping and the 'dumping of old machinery or spoil'. From a crofter's point of view, the moral overtones of this assessment are self-evident. What looks like spoil to an outsider can often be a useful functioning part of a crofter's life: to a crofter, this landscape is anything but 'confusing' and the lack of 'hierarchy' might be the positive expression of a deep cultural value.

These landscape character types are related primarily to the visual – 'particularly views' – and by the way in which landscapes are encountered (by the tourist?) 'in terms of arrival, movement, stopping and leaving'. They take little or no account of the sensibility engendered by the experience of living and working in a landscape. SNH has the remit to protect Scotland's landscapes within terms of broad (not merely local or partisan) agreement. But visual aesthetics are not objective, value-free or unchanging: whose aesthetics are SNH promoting and what values underlay these aesthetic judgements? To people within rural communities throughout Skye and the West Highlands, who are subject to planning restrictions based on this kind of expert advice, such questions often remain unanswered.

There can be no doubt that the visual consumption of Skye's landscapes has become a key element in the tourist industry, a primary consideration for economic development planning. Tourism and its associated heritage industry all too easily conflates place with culture, the symbolic elements of the landscape with community. Such cultural capital plays a material role in the local economy – it creates real economic value through tourism. But there is a conflict between tourism's need to project the heritage of the area and the needs of the people who live on Skye to create a life which does not conflict with tourism's imagery but at the same time allows them to cater for it. In the context of Orbst, the Local Plan attempts to do this through detailed policies relating to restrictions on housing, commercial forestry, native woodlands and listed buildings. The area planner assumes the role of arbiter in conflicts over how people experience the same landscape in different ways. Ultimately this is a judgement about sustainable natural resource use, economics and social justice, a combination of science, aesthetics and ideology. As an important facet of local government, it is a highly bureaucratised form of democracy. However, the fact remains that objections to the Orbst Initiative could only be fought on the grounds that it contravened the detail of the local plan and since the local plan is premised on subjective concepts such as landscape character assessments, it is not surprising that the final compromise reached was also made in terms of landscape criteria.

CONCLUSION

The question of who should control the direction and scale of development was the central issue in the Orbst conflict. Narratives associated with the landscape – legends, history and heritage – became an essential part of the discourse of conflict. These formed a suite of representations of the past that adhere to the landscape and include archaeological remains as well as contemporary settlement patterns that mark transformations in social and political history such as the Clearances and subsequent legal protection for crofters. For those who live in and around Orbst, the landscape is emotive and bound up with a sense of personal and local identity. For planners and bureaucrats, development and change are predicated, at least in part, on supposedly neutral or objective aesthetic judgements about the landscape. Both perspectives use landscape to justify or sanction social and economic change.

The multi-faceted concept of landscape is increasingly important in the politics of rural development and land reform. It mediates cultural, social and political discourse, and its meaning is continually evolving in response to aesthetic mores, political ideologies and institutional agencies. An indication of how important the notion of landscape has become in rural Scotland can be gleaned from the fact that an engagement with landscape planning procedures is one of the few avenues of resistance available to communities who choose to oppose models of development imposed from ‘above’ or ‘outside’. Orbst proved to be an abject failure as an experiment in how to organise land for the benefit of local communities, or as a model for land reform. Its economic extravagance alone means that similar buy-outs by local enterprise companies are unlikely to be replicated elsewhere in rural Scotland. Even so, many observers remain puzzled by the strength of community opposition to SALE’s plan. By viewing it through the lens of landscape perceptions and how these relate to ideological and aesthetic values, it is possible to gain a better understanding of why the conflict over Orbst took the form that it did.

NOTES

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² SALE is one of 10 Local Enterprise Companies (LECs) within the Highlands and Islands Enterprise (HIE) network. HIE itself is part of a larger Scottish Enterprise Network funded and controlled by the Scottish Parliament for the purpose of promoting economic and social development country-wide. SALE is composed of a Board of appointees, drawn from the local business community who direct a core management staff.

³ Crofting: smallholder tenant farming, typically with 5 to 10 acres of arable 'in-bye' land and a share in a larger area of 'rough' or common grazing. The technical definition of crofting as a form of land tenure protected by law is discussed below.

⁴ 'White settler' is an opprobrious term used to describe incomers to the Highlands who are often characterised as English and middle class. The resonance with colonial discourse is not entirely accidental.

⁵ See appendix for source list of aerial photos examined.

⁶ This is a gross simplification of recent changes to crofting law. But put simply, tenants were given the right to buy their tenancy, effectively making them landlords of their own crofts which would continue to be regulated by the Crofters Commission. As landlords however, it is now the absolute right of crofters to 'de-croft' their house and garden, effectively privatising the dwelling and unburdening it of all crofting restrictions leaving the owner free to sell to the highest bidder.

⁷ SALE's core funding comes from the Scottish Executive. Funding for Orbst also drew on a variety of sources such as the Community Land Fund of the Highland Council, EU and Lottery grants, all of which are ultimately derived from taxation.

⁸ These costs include the purchase of the estate, its livestock, consultancy fees and management expenses during the five year period.

⁹ Brandarsaig and Idrigill are two abandoned settlements on the Orbst Estate.

¹⁰ The legal battle continues at the time of writing. SALE claims that they were being evicted for failure to pay rent. Opinion in Orbst held that it was because of their opposition to SALE's plans for the estate. The husband of this family had experience of deer management and proposed to take on this role in the Orbst Initiative. This among other things, did not sit easily with SALE's plans for organic farming and natural woodland regeneration, partly due to the association of estate deer management with Highland landlordism.

¹¹ Robert Muir had by this time taken over the chairmanship of SALE from James Hunter.

¹² Biggeary was one of several settlements in the area to be 'cleared' during the nineteenth century.

¹³ SNH is a highly centralised unelected state-funded bureaucracy. One of its remits is to protect Scotland's landscapes.

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LIST OF AERIAL PHOTOGRAPHS

Viewed at The Royal Commission on the Ancient and Historical Monuments of Scotland, Edinburgh.

Date	Job and Strip No.	Frame No.	Scale	Location
7 Oct. 1946	CPE/SCOT/UK 175	4152–4151	1:10 000	Orbost farm north
"	"	2109–2111		Orbost farm south
3 Nov. 1958	OS/58/47v.		1:27 000	Orbost estate
22 Oct. 1988	64288	110–111	1:24 000	Orbost estate

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